

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.4235 of 2017**

Maniram Baiga, son of Shri Panchram Baiga, aged about 52 years, presently posted as Patwari, Khairagarh, resident of Narghoda, Tahsil Masturi, District Bilaspur (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh Through the Secretary, Department of Revenue and Disaster Management, Mantralaya, Mahanadi Bhawan, New Raipur, Dist. Raipur (CG)
2. The Collector, Rajnandgaon, Collectorate, Dist. Rajnandgaon (CG)
3. Sub-Divisional Officer (Revenue), Khairagarh, District Rajnandgaon (CG)

---- Respondents

For Petitioner	:	Mr.Amrity Das, Advocate
For Respondents	:	Mr.Dheeraj Wankhede, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

21/09/2017

1. Learned counsel for the petitioner would submit that the petitioner has placed under suspension by order dated 9.1.2001 and still his suspension is continuing, however, no decision has been taken relying upon the judgment of the Supreme Court in the matter of **Ajay Kumar Choudhary Vs. Union of India through its Secretary and another**¹.
2. On the other hand, learned State Counsel would oppose the writ petition.
3. In **Ajay Kumar Choudhary** (supra), the Supreme Court has

¹ (2015) 7 SCC 291

observed as under:-

“21. We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.”

4. In the light of principle of law laid down by the Supreme Court in the above-stated judgment (supra), the respondent-competent authority is directed to consider the representation of the petitioner expeditiously preferably within a period of 45 days from the date of receipt of copy of this order. The petitioner is at liberty to file a fresh representation, if any.
5. With the aforesaid observation, the writ petition finally stands

disposed of. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-