

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 1051 of 2017**

Deenanath Sirsant S/o Shri Somnath Sirsant, Aged About 58  
Years Sub Engineer: Rural Engineering, Services, R/o Gram  
Faradfor, Tah Dondilohara, Distt. Balod, (Chhattisgarh)

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through: The Secretary To The Govt. Of Chhattisgarh, Department Of Rural Engineering Services, Mantralaya, Mahanadi Bhavan, Naya Raipur: P S Rakhi, Raipur (Chhattisgarh)
2. The Chief Engineer, Department Of Rural Engineering Services, Raipur, Distt. Raipur, (Chhattisgarh)
3. S.N. Ram S/o Shri Ramwruksh Ram Aged About 59 Years Sub Divisional Officer, Village & Post- Chikhalakasa, Ps- Dallirajhara, Tahsil Dondi, District- Balod, Chhattisgarh

---- **Respondents**

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|---------------------|---|---------------------------------|
| For Petitioner      | : | Mr. A.D. Shrivastava, Advocate. |
| For State           | : | Mr. Satish Gupta, G.A.          |
| For Respondent No.3 | : | Mr. Raghvendra Verma, Advocate  |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order on Board**

**11/08/2017**

Heard.

1. Learned counsel for the petitioner submits that the present petition arises out of an order of suspension issued on 22.07.2014. He submits that till date, the petitioner is continuing under suspension. He further submits that his case is still pending and it has not been decided.
2. Though, return has not been filed, in view of the judgment of the

Supreme Court in the case of **Ajay Kumar Choudhary v. Union of India through its Secretary and another, (2015) 7 SCC 291**, I deem it expedient to dispose off the matter with the direction to consider revocation of suspension in the light of what has been held by the Hon'ble Supreme Court in the aforesaid decision as below :

“**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/Charge-sheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Charge-sheet 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 the 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.”

3. The decision shall be taken in the matter within a period of 60 days from the date of receipt of copy of this order.

Sd/-

**(Manindra Mohan Shrivastava)**  
**J U D G E**