

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2335 of 2017

Dr. Suman Kumar S/o Shri Panchuram Aged About 34 Years Assistant
Veterinary Surgeon (Suspended) Veterinary Hospital, Simga, District-
Balodabazar Headquarter- Deputy Director Veterinary Services,
Balodabazar P. S. Balodabazar District- Balodabazar, (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Animal
Husbandary, Development Mantralay, Mahanadi Bhawan Naya Raipur, P. S.
Abhanpur, District Raipur, (Chhattisgarh).
2. Commissioner, Veterinary Services Raipur Division Raipur Distt- Raipur,
(Chhattisgarh).
3. Collector, Balodabazar, District Balodabazar, (Chhattisgarh).
4. Deputy Director, Veterinary Services, Balodabazar District- Balodabazar,
(Chhattisgarh).

---- Respondents

For Petitioner	:	Ms. Deepali Pandey, Advocate
For State	:	Mr. S.P. Kale, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/07/2017

Heard.

1. The petitioner has filed this petition aggrieved by the delay in conclusion of departmental enquiry which was initiated by issuance of charge sheet on 07.07.2016. It is submitted that till date, the enquiry has not been concluded and the petitioner is suffering because of delay in enquiry.
2. Learned State counsel submits that the enquiry officer has been appointed and all attempts would be made to ensure that the departmental enquiry is concluded at the earliest.

3. As far as the suspension part of the petitioner is concerned, it is found that the petitioner was suspended on 04.06.2016. He has remained under suspension for the last more than one year. Looking to the nature of charges against the petitioner and that the petitioner has remained under suspension for more than one year and departmental enquiry has also not been concluded till date, it would be appropriate to direct the respondent to consider revocation of suspension in view of the law laid down by the Supreme Court in the case of **Ajay Kumar Choudhary v. Union of India through its Secretary and another, (2015) 7 SCC 291** wherein, the Honb'le Supreme Court deprecated the practice of continuing an employee under suspension for long indefinite period. It was observed 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.”

4. The decision on the aspect of revocation of suspension be taken within a period of 45 days and appropriate order be passed by respondent No.2.
5. With the aforesaid directions, the petition at this stage is disposed off.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E