

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.2671 of 2017**

Afroj Malik Khunte S/o Shri Govind Ram Khunte, Aged About 26 Years
Pharmacist Grade-2, Community Health Centre, Duldula (Posted In
Primary Health Centre Kastura) Tahsil Duldula District Jashpur, Civil and
Revenue District Jashpur (Chhattisgarh).

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Public Health And Family Welfare Department, Mahanadi Bhavan, New Raipur, District Raipur (Chhattisgarh).
2. Director, Public Health And Family Welfare Department, Indrawati Bhavan, Raipur, District Raipur (Chhattisgarh).
3. Chief Medical and Health Officer, Jashpur District Jashpur (Chhattisgarh).
4. Collector, Jashpur, District Jashpur (Chhattisgarh).
5. Block Medical Officer, Primary Health Centre, Duldula, District Jashpur (Chhattisgarh).
6. Tahsildar, Duldula District Jashpur (Chhattisgarh).
7. The Station House Officer, Police Station Jashpur, District Jashpur (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri MK Sinha, Advocate.
For Respondent/State	:	Ms. K. Tripti Rao, Panel Lawyer.

SB: Hon'ble Shri Justice P. Sam Koshy**Order On Board****Passed on 23/06/2017**

1. The petitioner is aggrieved by the order dated 18.05.2016 passed by the respondent No.3 placing him under suspension under the provisions of Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1996.
2. Learned counsel appearing for the petitioner submits that though more

than one year has been passed, no disciplinary proceedings have been drawn against the petitioner after placing him under suspension. He further submits that for the same ground in February, 2016 an FIR was also lodged, but in spite of fact that more than 1 and ½ years have lapsed, no charge sheet has been filed in the court and therefore, prays that the respondent authorities be directed to revoke the suspension order and to reinstate the petitioner in service as the petitioner is being placed under suspension unnecessarily for an uncertain period. He refers to decision of Supreme Court in case of Ajay Kumar Choudhary Vs. Union of India (through its Secretary) and Another, 2015 (7) SCC 291.

3. State counsel opposes the petition on the ground that the petitioner has been placed under suspension on serious charge of misconduct, and therefore, suspension order cannot be revoked at this juncture pending disciplinary action.
4. Considering the submissions on either side and on perusal of records, it is undisputed that the petitioner was placed under suspension on 18.05.2016 and till date though more than 13 months have been passed, charge sheet has not been filed which itself shows that till date disciplinary proceedings have not been initiated. Likewise, as has been contended by the counsel for the petitioner that even in the case of the alleged FIR lodged in the month of February, 2016, the police authorities have not filed any charge sheet against the petitioner before any court of law till date though more than 1 and ½ years have lapsed.
5. The Supreme Court in the case of Ajay Kumar (Supra), to which

reliance has been placed by the petitioner, has categorically held that suspension of an employee should not be continued indefinitely without any justified or cogent reasons. In the instant case, the respondents have not been able to show any justification or reasons for continuing the petitioner under suspension for so long a period.

6. In view of aforesaid facts and circumstances of the case, this court is of the opinion that ends of justice would meet if the petition is disposed of with a direction to the respondents to take an appropriate decision in the case of the petitioner considering his case for revocation of suspension keeping in view the law laid down by the Supreme Court in the case of Ajay Kumar (Supra). It is ordered accordingly.
7. Let an appropriate decision be taken within a period of 60 days from today.
8. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder