

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1356 of 2018**

Mihir Pratap Samantaray S/o Shri N. N. Samantaray, Aged About 35 Years Assistant Manager Grade A, Industrial Development Bank Of India Limited (Idbi Bank) Opposite Rama Port, Vyapar Vihar, Main Road, Bilaspur, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

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Versus

1. Industrial Development Bank Of India Limited (I D B I Bank) Through Chief Managing Director, Idbi Tower, Wtc Complex Cuffe Parade, Mumbai, District : Mumbai, Maharashtra
2. General Manager (Business) Industrial Development Bank Of India Limited (Idbi Bank), Zonal Office, Idbi House Janpath, Unit 9, Bhubaneswar, Orissa., District : Bhubaneswar, Orissa
3. Deputy General Manager Chhattisgarh I I, Region (Regional Head) Industrial Development Bank Of India Limited (Idbi Bank), Opposite Rama Port, Vyapar Vihar, Main Road Bilaspur, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

....**Respondents**

For Petitioner : Mr. A.D. Shrivastava, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

09.02.2018

Heard.

1. The limited prayer which the petitioner seeking is for a direction to the respondents, particularly respondent No.2 to consider the case of the petitioner as to whether there is any justification in continuing with the order of suspension issued against the petitioner.

2. The facts of the case is that the petitioner was initially placed under suspension on 08.01.2016 and charge-sheet was also issued which finally culminated by an order of punishment on 14.07.2017. However, while passing the punishment order on 14.07.2017, the petitioner was again placed under suspension in the light of a different charge-sheet issued on 07.04.2017 where

again a departmental enquiry is pending consideration. Learned counsel for the petitioner prays for a direction to the respondents to consider whether placing of the petitioner under suspension is required any further or not in the light of the judgment of the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary V. Union of India, (2015) 7 SCC 291** and the judgment of this Court in the case of **Bhagwat Prasad Yadav, V. State of Chhattisgarh and others, ILR 2017 Chhattisgarh 1366**.

3. Having considered the contention of learned counsel for the parties, this Court is of the opinion that without expressing anything on the merits of the case, the present writ petition may be disposed off with the direction to respondent No.2 to consider whether it is justiciable placing the petitioner under suspension continuously since 08.01.2016 even though a fresh enquiry has been initiated on a fresh set of charges.

4. Therefore, at this stage, it would be appropriate to direct the respondent No.2 to consider the case of the petitioner in the light of two judgments referred to in a preceding paragraph. It is expected that the respondent No.2 shall take a decision at the earliest. It is made clear that this Court has not expressed any opinion on the merits of the case. The authority concerned is free to decide the matter in accordance with the rules governing the field and also considering the gravity of charges.

5. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge