

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**Writ Petition (S) No.2384 of 2018**

Sukhi Ram Yadu S/o S/o Late Shri Gaindu Ram Yadu, Aged About 59 Years R/o House No. 478, Gali No. 3, Kasaridih, Durg, District Durg, Chhattisgarh.

----Petitioner**Versus**

1. State of Chhattisgarh Through Department of Panchayat and Rural Development, Through Secretary, Mahanadi Bhavan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Commissioner Cum Director, Directorate Of Panchayat, Indrawati Bhawan Naya Raipur, District Raipur, Chhattisgarh.
3. Chief Executive Officer Zila Panchayat, Durg, District Durg, Chhattisgarh.
4. Janpad Panchayat Patan Through Its Chief Executive Officer Patan, District Durg, Chhattisgarh.

---- Respondents

For petitioner	:	Shri RS Baghel, Advocate.
For respondent-State	:	Shri Sangharsh Pandey, Dy. GA.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****19.03.2018.**

1. Challenge in the present writ petition is to the orders dated 14.07.2014 (Annexure P/1), 12.08.2014 (Annexure P/2) and 11.12.2014 (Annexure P/4) i.e. orders of suspension, issuance of charge sheet and appointment of enquiry officer and presenting officer respectively.
2. According to counsel for the petitioner, the order of suspension was issued as early as on 14.07.2014. It is almost 4 years now and the petitioner is still under suspension and enquiry proceedings also has

not been completed till date. The contention of the petitioner is that placing the petitioner under suspension for so long a period for no fault of his is not justified and the authorities may be directed to reconsider continuance of suspension. He relied upon the judgment of Supreme Court in case of Ajay Kumar Choudhary Vs. Union of India & Anr. 2015 (7) SCC 291.

3. The State counsel opposing the petition submits that it is a case where all the orders impugned were passed four years ago and therefore the petition at this juncture does not deserve to be entertained. Thus, prayed for rejection of the petition.
4. Without entering into the merits of the case, this court would like to dispose of the petition with a direction to the respondents No.2&3 to consider the case of the petitioner so far as whether continuity of suspension is any further required or not in the light of judgment of Supreme Court in the case of Ajay Kumar Choudhary (Supra).
5. At this juncture the petitioner submits that after the enquiry officer has submitted his report before the competent authority, though on repeated occasions show cause notices were issued to the petitioner to which he had also replied, but no further action has been taken on the same and thus prayed for the authorities to be directed to take an appropriate decision on the said reply filed by the petitioner to the show cause notice.
6. Accordingly, let the competent authority also take into consideration the reply filed by the petitioner to the show cause notice issued after the enquiry report was submitted and an appropriate suitable order

be passed at the earliest preferably within a period of 60 days from the date the certified copy of this order is produced before the authority concerned. The competent authority shall also consider whether the petitioner has to be continued under suspension or not keeping in view the judgment of Supreme Court referred to above.

7. Accordingly, the petition stands disposed of.

Sd/-
(P.Sam Koshy)
Judge

inder