

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 2512 of 2018

Nepal Singh Ayam S/o Late Shri Ram Singh, aged about 35 years, R/o village Konkona, Post & Tehsil Pondi, Uprora, P.S.Bango, District Korba (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Department of Forest, Mantralaya, Mahanadi Bhavan, Naya Raipur, District Raipur (C.G.).
2. Chief Conservator of Forest, Circle Bilaspur (C.G.).
3. Divisional Forest Officer, Katghora, District Bilaspur (C.G.).

---Respondents

For petitioner	:	Shri Jitendra Pali, Advocate.
For State	:	Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22/03/2018

1. The grievance of the petitioner is that the petitioner is placed under suspension for a period of almost 1 year in a false and fabricated case.
2. The counsel for the petitioner submits that, in spite of over 1 year have been passed, neither the criminal case is concluded, nor the respondents have reconsidered the case of suspension. He refers to the judgment of Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary v. Union of India through its Secretary and Anr. [2015 7 SCC 291]** wherein the Supreme Court has clearly laid down the law so far as prolonged suspension is concerned and said that an employee should not be kept under suspension for a long duration unless the employee is at fault for the

prolonged pendency of the departmental enquiry or the criminal case or for any other reason.

3. Given the facts and circumstances of the case, this Writ Petition is being disposed of with a direction to the respondent No.3 to consider the case of the petitioner in accordance with law laid down by the Supreme Court in the case of Ajay Kumar Choudhary (Supra) and determine whether there is any requirement for continuation of the suspension of the petitioner. Let the respondent No.3 pass a suitable order within a period of 45 days from the date of receipt of copy of this order.

4. Needless to mention that the authority concerned shall also taken into consideration the circular of the State Government dated 02/07/2017 in this regard.

5. The petitioner would be at liberty to make a detailed representation to the respondent No.3 seeking for revocation of suspension order wherein he shall bring all the relevant facts and documents in support of his contention.

6. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE