

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.2766 of 2018

Duryodhan Ram Yadav S/o Sudro Ram Aged About 48 Years Occupation - Service Presently Suspended From The Post Of Panchayat Secretary , Village - Panchayat Khandasa Janpad Panchayat Kunkuri District Jashpur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Panchayat And Rural Development Mahanadi Bhawan New Raipur District Raipur Chhattisgarh.
2. Chief Executive Officer Zila Panchayat Jashpur District Jashpur Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat Kunkuri District Jashpur Chhattisgarh.

---- Respondents

For petitioner	:	Shri A N Pandey, Advocate.
For State	:	Shri Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/04/2018

1. The grievance of the Petitioner is the order of suspension which has been passed on 20.10.2016. He submits that the reasons for passing of the suspension was the criminal case in which the Petitioner was implicated and in the said case, the Petitioner had been put in custody for more than 48 hours. He submits that subsequently, the Petitioner has been released on bail and the order of suspension remains in operation for two years. He submits that till now, the charge has not been framed in the criminal case and that there is no reason for prolonging the suspension by the Respondent authorities. He submits that the case of the Petitioner may be disposed of with a direction to Respondent No.1 to consider the case of the Petitioner whether there

is any requirement to prolong suspension and the case of the Petitioner may be decided in the light of the judgment of the Hon'ble Supreme Court in case of Ajay Kumar Choudhary v. Union of India through its Secretary and Anr. {(2015) 7 SCC 291}.

2. The prayer made by the Petitioner is not opposed by the State Counsel.
3. Accordingly, the writ petition stands disposed of with a direction to the Respondent No.1 to consider the case of the Petitioner, particularly, keeping in view of the judgment of the Hon'ble Supreme Court in case of Ajay Kumar Choudhary (supra) and particularly considering the aspect whether there is need for further continuing suspension of the Petitioner or not. The Respondents shall also take recourse of Circulars issued by State Government in this regard. Let this exercise be done within a period of 60 days from the date of receipt of a certified copy of this order.

Sd/-
(P.Sam Koshy)
Judge