

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 3171 OF 2018**

Ashok Prasad Singh, S/o Shri Dilan Singh, aged about 38 years, occupation- Service, presently suspended from the post of Panchayat Secretary, Kudukela, Janpad Panchayat- Kunkuri, District Jashpur (C.G.)

... **Petitioner**

versus

1. State of Chhattisgarh, through- the Secretary, Department of Panchayat & Rural Development, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)

2. Chief Executive Officer, Zila Panchayat, Kunkuri, Distt. Raipur (C.G.)

... **Respondents**

For Petitioner	:	Mr. A.N. Pandey, Advocate.
For Respondent-State	:	Ms. B. Gopa Kumar, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/04/2018

1. Grievance of the Petitioner is the order of suspension dated 8.1.2016.

2. Contention of the learned Counsel for the Petitioner is that though more than 2 years have been passed the Petitioner is still under suspension and the only ground of suspension was his involvement in a criminal case and the trial still not completed. He submits that there is no possibility of early conclusion of the trial and there also does not seem to be any fruitful purpose in keeping the Petitioner under suspension. Thus, prayed for a direction to the Respondents to consider the case of the Petitioner for revocation of the suspension, in the light of the judgment of the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary v. Union of India & Another, 2015 (7) SCC 291.**

3. Learned State Counsel however opposes the petition on the ground that the Petitioner was involved in a criminal case wherein he is being prosecuted for the offence punishable under Section 420/34 of IPC and the case is still going on. The Petitioner was also in between arrested and been in custody for more than 48 hours and under the provisions of Rule

9 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, the Petitioner has been placed under suspension and until and unless the criminal case is concluded the suspension of the Petitioner cannot be revoked.

4. Be that as it may, taking into consideration the observations of the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary** (supra), this Court is of the opinion that let the Respondent No.2 take a decision in the light of the judgment of the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary** (supra) whether there is any further requirement of continuing the services of the Petitioner to be placed under suspension. The authority would be free to take a decision taking into consideration all the relevant facts and rules applicable.

5. It is expected that Respondent No.2 shall take a decision on the claim of the Petitioner within a period of further 60 days from the date of receipt/production of certified copy of this order.

6. With the aforesaid direction/observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge