

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.3452 OF 2018**

Ashutosh Shinde S/o Shri R.P. Shinde, Aged About 44 Years Working As Assistant Grade-II (Ag-II) At District Court Korba, R/o Quarter No. NG-7, Revenue Colony Korba, District Korba Chhattisgarh.

...Petitioner(s)

Versus

District and Session Judge, Office Of District And Session Judge, District Korba Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Vinod Deshmukh, Advocate.
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/05/2018

1. The limited grievance which the petitioner has raised in the instant petition is for revocation of the suspension order which was issued as early as on 16.08.2016.
2. According to petitioner, since there is no subsequent progress in the criminal case and the departmental enquiry having been stayed by this court, the petitioner is liable to be taken back in service. It was further contended that the petitioner has made representation seeking revocation of the suspension which stands rejected vide order dated 13.04.2018 (Annexure P/2). It is contended that the authorities concerned while rejecting his claim for revocation has not given reasons as to why the suspension order should not be revoked.
3. A perusal of Annexure P/2 i.e. rejection of application filed by the petitioner speaks for itself. In the rejection order the authority concerned have categorically held that nature of allegations against

the petitioner is of serious nature and considering the nature of allegation the request for revocation of suspension cannot be appreciated and it was rejected.

4. In the instant case the allegation against the petitioner is that while discharging the duties of Reader in the court of Chief Judicial Magistrate, Korba, he had forged the signature of Chief Judicial Magistrate and have issued certain orders.
5. Considering the gravity of offence and also taking note of the sensitive post which the petitioner was holding at the time of suspension, this court is of the opinion that order dated 13.04.2018 (Annexure P/2) rejection of request for revocation of suspension order is fully justified. This court does not find the present case to be one which could be brought within the ambit of judgment of Supreme Court in case of Ajay Kumar Choudhary Vs. Union of India & Anr. 2015(7)SCC 291.
6. Accordingly, the writ petition stands dismissed.

Sd/-
(P. Sam Koshy)
Judge