

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3609 of 2018**

Rampal Bhagat S/o Shiv Prasad Bhagat, Aged About 50 Years,
Home, R/o Guard Saini No. (83), R/o Gram Post Budhar, P.S. Patna,
Tahsil Baikunthpur, District Korea Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Home, Mahanadi Mantralaya, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur Chhattisgarh.
2. Director General (Home Guard), Chhattisgarh, Raipur, District Raipur Chhattisgarh.
3. Divisional Commandant, Home Guard, Bilaspur, District Bilaspur Chhattisgarh.
4. District Commandant, Home Guard, Baikunthpur, District Korea (Chhattisgarh)

----Respondents

For Petitioner	:	Mr. Varunendra Mishra, Advocate
For State	:	Mr. Aushutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10/05/2018**

1. The grievance of the petitioner in the instant case is that the petitioner stands suspended from service from 11.05.2011 onwards and till then though more than 7 years have passed, the departmental enquiry, if any, has not been concluded and the petitioner continues to remain under suspension.
2. Given the facts and circumstances of the case, this Court is of the opinion that let the writ petition itself be disposed of with a direction to the respondent No.3 take a decision so far as the requirement of placing the petitioner under suspension any further and while deciding the same, the respondent No.3 shall keep in mind the judgment of the 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. The authority concerned has to specifically deal with the issue of the necessity of keeping the petitioner under further suspension and shall pass a suitable order in this regard within a period of 60 days from the date of service of the certified copy of this order.
4. The writ petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge