

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3531 of 2018**

Sukhlal Nawgo S/o Shri Gando Ram Aged About 39 Years R/o Village Talabheda, Post Office Tadoki, Tehsil Antagarh, District- Kanker, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Collector, District- North Bastar, Kanker, Chhattisgarh.
2. The Commissioner, Tribal Welfare, North Baster, Kanker, Chhattisgarh.
3. The Chief Executive Officer, Zila Panchayat, North Bastar, Kanker, Chhattisgarh.
4. The Chief Executive Officer, Janpad Panchayat, Antagarh, Kanker, Chhattisgarh.
5. District Education Officer, District North Bastar, Kanker Chhattisgarh.
6. Block Education Officer, Tribal Development Block Antagarh, Kanker, Chhattisgarh.
7. Block Education Officer, Tribal Development Block, Bhanupratappur, Kanker, Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Shishir Dixit, Advocate
For State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****07/05/2018**

1. The grievance of the petitioner is that the petitioner is placed under suspension for more than 2 years on false allegations.
2. The counsel for the petitioner submits that, in spite of over 2 years have been passed, the departmental proceedings have not made any progress. 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.1 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.1 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 take into consideration the circular of the State Government dated 02/07/2017 in this regard.
5. The petitioner would also be at liberty to make a detailed representation to the respondent No.1 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