

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 4609 of 2018

O.P.Chandel S/o Late P.L.Chandel, aged about 57 years, R/o 7, Krishna Sudama Puri, D.D.Nagar, Sector-1, Raipur, District Raipur (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur (C.G.).
2. Engineer-in-Chief, Water Resources Department, Sinhawa Bhawan, Civil Lines, Raipur, District Raipur (C.G.).

---Respondents

For petitioner	:	Shri Manoj Paranjpe, Advocate.
For State	:	Shri Syed Majid Ali, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/07/2018

1. The challenge in the present Writ Petition is to the order of suspension Annexure-P/1 dated 22/06/2018.
2. The solitary contention of the counsel for the petitioner is that, the order of suspension at this juncture was totally uncalled for for the reason that, the ground mentioned by the respondents in the order of suspension was in respect of filing of a chargesheet in a criminal case where the petitioner has been prosecuted apart from other offences also under the Prevention of Corruption Act.

3. The contention of the counsel for the petitions is that, an F.I.R. against the petitioner in the instant case was lodged wayback on 04/03/2016 and the prosecution filed the chargesheet before the criminal Court on 10/10/2017 and in spite of all these, the respondents permitted the petitioner to continue in service till 22/06/2018. He further submits that, at this juncture, after having permitted the petitioner to work in the department for more than 2 years, the respondents have without any reason placed the petitioner under suspension. They should have considered the fact as to what prejudice is going to take place by not placing the petitioner under suspension.

4. The counsel for the petitioner has relied upon the decision of the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary v. Union of India through its Secretary & Anr. [2015 7 SCC 291]** and also the other judgments whereby it has been held that, a person should not be placed under suspension for long and without any justified reasons.

5. Be that as it may, if we consider Rule-9 of the Chhattisgarh Civil Services (Classification, Control and Appeals) Rules, 1966 it clearly envisages a provision wherein the disciplinary authority has been permitted to place an employee/officer under suspension in the event if they have been prosecuted in a criminal case.

6. So far as the petitioner being prosecuted in a criminal case is concerned it is not in dispute. The nature of offence and the allegations levelled also are related to discharge of his function as a Government official and are serious in nature.

7. Given the aforesaid facts, prima-facie, it does not reflect that the order of suspension issued by the respondents to be either contrary to the Rules or in any manner malafide.

8. This Court in exercise of its Writ jurisdiction under Article 226 of the Constitution of India would find it difficult to interfere with the impugned order of suspension at this juncture.

9. Thus, reserving the right of the petitioner to prefer a suitable representation/appeal before the appropriate authorities for revocation of the order of suspension and for appropriate decision on the administrative side, the present Writ Petition at this juncture without entering into the merits stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit