

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4765 of 2018**

Balkrishna Dansena S/o Shri Ramniha Dansena, aged about 55 years, Hostel Superintendent(Suspended), attach at Office of Janpad Panchayat Lalonga, District Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary, Ministry of Scheduled Tribe and Scheduled Cast Development, Mahanadi Bhawan, Naya Raipur, Chhattisgarh, Collector, Raipur, Chhattisgarh
2. The Commissioner, Scheduled Tribe and Scheduled Cast Development, Indrawati Bhawan, Naya Raipur, Chhattisgarh
3. The Collector, (Tribal Development Branch), District Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Neeraj Choubey, Advocate
For Respondent/State	:	Shri S. P. Kale, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****26.07.2018**

Challenge in the present writ petition is to the order of suspension dated 12.12.2016 as also charge sheet dated 17.01.2017.

2. Counsel for the petitioner, during the course of argument, submits that the petitioner has been placed under suspension for more than 1 ½ years and that there is no progress made by the respondents so far as the departmental enquiry contemplated against the petitioner is concerned. He prays that the respondents may be directed to take a decision regarding the necessity for continuing the suspension of the petitioner any

further in the light of the judgment of the Hon'ble Supreme Court in the case of Ajay Kumar Choudhary v. Union of India through its Secretary and Anr. reported in (2015) 7 SCC 291.

3. Considering the fact that the petitioner is already under suspension for a period of more than 1 ½ years, in the light of the judgment of the Supreme Court in the case of Ajay Kumar Choudhary (supra), this Court is of the opinion that ends of justice would meet if the petitioner is directed to make a fresh representation to respondent no.3 seeking for revocation of suspension as also to consider whether there is any necessity for continuing the suspension against the petitioner. On such representation being made, it is expected that respondent no.3 shall pass an order objectively considering the claim of the petitioner in the light of the judgment of the Supreme Court in the case of Ajay Choudhary (supra) within an outer limit of 60 days from the date of receipt of representation of the petitioner.

4. With the aforesaid observation, the writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**