

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4770 of 2018**

Brijlal Choudhary S/o Shri Chamruram Choudhary, Aged About 52 Years, Managing Director (Suspended), Krishak Sewa Sahakari Samity Maryadit, Ghumka, Registration No. 1145, District Rajnandgaon, R/o Village Ghumka, District Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

1. The Deputy Registrar, Cooperative Society Rajnandgaon, District Rajnandgaon, Chhattisgarh
2. The Joint Registrar, Cooperative Society, Durg Division District Durg, Chhattisgarh
3. The Managing Director, Krishak Sewa Sahakari Samity Maryadit, Ghumka, District Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Palash Tiwari, 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 23.12.2013.

2. Counsel for the petitioner, during the course of argument, submits that the petitioner has been placed under suspension for more than 4 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 and in the case of Prem Nath Bali Vs. Registrar, High court of Delhi & anr. reported in 2015 LawSuit (SC) 1236.

3. The Supreme Court in the case of Prem Nath Bali (supra) in paragraphs- 31 and 33 has held as under:

“31) Time and again, this Court has emphasized that it is the duty of the employer to ensure that the departmental inquiry initiated against the delinquent employee is concluded within the shortest possible time by taking priority measures. In cases where the delinquent is placed under suspension during the pendency of such inquiry then it becomes all the more imperative for the employer to ensure that the inquiry is concluded in the shortest possible time to avoid any inconvenience, loss and prejudice to the rights of the delinquent employee.

33) Keeping these factors in mind, we are of the considered opinion that every employer (whether State or private) must make sincere endeavor to conclude the departmental inquiry proceedings once initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as far as possible it should be concluded within six months as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time frame then efforts should be made to conclude within reasonably extended period depending upon the cause and the nature of inquiry but not more than a year.”

4. Considering the fact that the petitioner is already under suspension for a period of more than 4 ½ years, in the light of the judgments of the Supreme Court in the case of Ajay Kumar Choudhary (supra) and Prem Nath Bali (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 cases of Ajay Choudhary and Prem Nath Bali (supra) within an outer limit of 60 days from the date of receipt of representation of the petitioner.

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

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