

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5288 of 2018**

Satyanarayan Agharaiya S/o Late Shri Kaliram Aghariya Aged About 58 Years R/o Village Kapan, Akaltara, Tahsil Akaltara, Police Station Naila, District Janjgir- Champa, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Urban Development Department, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Commissioner, Municipal Corporation Raigarh, District Raigarh, Chhattisgarh.
3. Commissioner, Municipal Corporation Korba, District Korba, Chhattisgarh.

----Respondents

For Petitioner	:	Mr. K.P.S. Gandhi, Advocate
For State	:	Mr. Syed Majid Ali, Dy. G.A.
For respective Respondents	:	Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****17/08/2018**

1. The grievance of the petitioner in the instant case is that the petitioner has been placed under suspension on 29.06.2017 and till date the petitioner continues to remain under suspension.
2. The counsel for the petitioner submits that the only ground of placing the petitioner under suspension is the pendency of a criminal case against the petitioner for the offence punishable under Sections 409, 420, 120B of Indian Penal Code.
3. The counsel for the petitioner submits that trial would take a considerable period of time for conclusion and in between there is no point in continuing the suspension of the petitioner and in the light of the circulars of the State Government and also in the light of the decision 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] the respondents may be directed to reconsider whether there is any necessity in continuing the petitioner under suspension.

4. The counsel appearing for the respective respondents do not dispute the same and however prayed that the petitioner may make a suitable prayer in this regard to the respondent No.3, who in turn may take an appropriate decision.
5. Given the said submissions by the counsel for the respondents, let the petitioner make a detailed representation to the respondent No.3 within a period of two weeks and the respondent No.3 in turn may, considering the entire facts and circumstances of the case and consider whether there is any further necessity of keeping the petitioner under suspension, keeping in view the judgment of the Hon’ble Supreme Court in the case of “Ajay Kumar Choudhary” (supra) and an appropriate order be passed within an outer limit of 90 days from the date of receipt of the representation.
6. The writ petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge