

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 5747 OF 2018**

1. Ashish Kumar Gupta, aged about 39 years, S/o late Shri Mahesh Prasad Gupta (Suspended Cook), posted at Tribal Boys Hostel, Bodla, District Kabirdham (CG).

...Petitioner(s)**Versus**

1. State of Chhattisgarh through the Secretary, Tribal Department, Mantralaya, Mahanadi Bhawan, New Raipur (CG).
2. The Collector, District Kabirdham (CG).
3. The Superintendent, Tribal Boys Hostel, Bodla, District Kabirdham (CG).

... Respondent(s)

For Petitioner	:	Shri Ritesh Verma, Advocate.
For Respondent-State	:	Shri SP Kale, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04.09.2018**

1. Challenge in this petition is to the charge sheet dated 20.09.2016 and also the prayer for departmental enquiry to be concluded within a reasonable period.
2. Perusal of records would show that vide order dated 25.08.2016 the petitioner was placed under suspension and thereafter charge sheet was issued on 20.09.2016. The petitioner replied to the charge sheet on 30.09.2016 and thereafter there is no further development on the disciplinary proceedings initiated against the petitioner.
3. The petitioner all along has been placed under suspension. The circular of the State Govt. as well as the rules governing the field requires the employer to ensure that the enquiry is concluded within a period of one year, if not, they would consider revocation of the suspension of the employee as the Departmental Enquiry is not being prolonged for any fault on the part of the employer.

4. The Supreme Court also in recent judgment in case of Ajay Kumar Choudhary Vs. Union of India through its Secretary, 2015(7)SCC 291, has specifically directed all the authorities where there is prolong delay of suspension undergoing and departmental enquiry not being concluded for no fault of the employees to consider revocation of the suspension.
5. Given the aforesaid facts, let the respondents in this case also consider the aspect whether there is any further necessity for keeping the petitioner under suspension. So far as departmental enquiry is concerned, since there is no development whatsoever for a period of two years from the date the petitioner had submitted his reply to the charge sheet, the present petition stands disposed of with a direction that the respondents shall make all endeavors for concluding departmental enquiry within an outer limit of six months from the date of receipt of certified copy of this order, or else, appropriate order should be passed for dropping the entire departmental enquiry against the petitioner.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy
Judge