

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.7215 OF 2018**

Pramod Kumar Sharma S/o Late Rajaram Sharma Aged About 59 Years
Posted As Chief Executive Officer, Zila Antyawasayi Sahkari Vikas Samiti,
Mahasamund Tahsil And District Mahasamund, Civil And Revenue District
Mahasamund Chhattisgarh.

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

1. State Of Chhattisgarh Through Secretary, Tribal Development Department, Mahanadi Bhavan, Mantralaya, New Raipur Chhattisgarh.
2. The Managing Director, Chhattisgarh Rajya Antyawasayi Sahkari Finance And Development Corporation, Raipur Chhattisgarh.
3. The Collector And President Zila Antyawasayi Sahkari Vikas Samiti Maryadit Mahasamund District Mahasamund Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Manoj Kumar Sinha, Advocate.
For Respondent-State	:	Shri DK Wankhede, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****31.10.2018**

1. The relief sought for by the petitioner is for a direction to the respondents, particularly the respondent No.2 to reconsider the case of the petitioner deciding whether there was any further necessity for continuing with the order of suspension against the petitioner.
2. The facts of the case is that the petitioner on an earlier occasion had challenged the said order of suspension vide WPS No.4700 of 2018 and this court had disposed of the said writ petition for considering and deciding the representation so filed against the order of suspension. Subsequently, the respondents after due consideration of the representation, rejected the same vide order dated 28.08.2018.
3. The present writ petition has again been filed by the petitioner from the same suspension order in the light of the judgment of the Supreme Court in the case of Ajay Kumar Choudhary Vs. Union of India, 2015(7)SCC 291. The contention of the petitioner is that it is more than three months now lapsed after the petitioner was placed under suspension and till date he has not received any charge sheet, neither have they proceeded to take any steps for

any departmental proceedings against the petitioner till date and under service rules itself the suspension order ought to have been revoked or atleast in the light of the judgment in the case of Ajay Choudhary (Supra) it ought to have been reconsidered as to whether there was any necessity for continuing with the suspension of the petitioner or not.

4. The Supreme Court in case of Ajay Choudhary (Supra) has clearly mentioned that after a considerable period of time of employee being placed under suspension, the employer is bound to reconsider the suspension part and also to reconsider whether there is any necessity in continuing with the employee under suspension. This reconsideration part does not seem to have been taken place so far as the petitioner is concerned.
5. Given the aforesaid facts, let the petitioner make another fresh representation to the respondent authorities who, in turn, would reconsider the case of the petitioner and decide whether the petitioner should be continued in suspension or not. If they feel that it is not proper to revoke the suspension of the petitioner as it may not be in the public interest at large and it would be detrimental to the interest of the department as also it may adversely affect the department in revoking the same. However, if the department feel that there is no such apprehension as afore-stated then the authorities are free to revoke the order of suspension by passing a suitable order.
6. Under the circumstances, let the petitioner take a decision in this regard on the representation so made by the petitioner at the earliest.

Sd/-
(P. Sam Koshy)
Judge

inder