

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 7934 of 2018**

Jagnarayan Yadav S/o Shri Shivmurat Yadav Aged About 48 Years Posted As Panchayat Secretary (Now Suspended), Gram Panchayat, Bhadiya, Janpad Panchayat, Bagicha, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. The Chief Executive Officer Zila Panchayat, Jashpur, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
3. The Chief Executive Officer Janpad Panchayat, Bagicha, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
4. The Sub-Divisional Officer (Revenue) Bagicha, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
5. Kamalnaran Yadav Posted As Panchayat Secretary, Gram Panchayat, Mudhi, Janpad Panchayat, Bagicha, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- **Respondents**

For petitioner	:	Shri J. K. Saxena, Advocate.
For State	:	Shri Majid Ali, Dy. GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/12/2018

1. The challenge in the present writ petition is to the order of suspension dated 28/12/2017. The contention of the petitioner is that it is almost one year that the petitioner has been placed under suspension but the authorities concerned have not either revoked the suspension order nor have initiated any departmental enquiry against the petitioner and therefore in the light of the judgment of the Supreme Court in the case of Ajay Kumar Chaudhary Vs. Union of India, 2015 (7) SCC, 291, the authority concerned be directed to reconsider the case of the petitioner.
2. So far as the suspension is concerned, State counsel does not dispute the aforesaid contention as far as the factual aspect is concerned.

3. Considering the facts and the circumstances of the case, particularly the fact that the petitioner was initially placed under suspension on 28/12/2017 and subsequently the charge sheet was issued to the petitioner on 29/12/2017 to which the petitioner has given the reply on 16/04/2018 but till date no further developments has taken place on the said suspension order or on the charge sheet which was issued.

4. Given the said facts and, let the matter be reconsidered by the respondent No. 2 and while reconsidering the case of the petitioner, the authority should keep in mind the judgment of the Supreme Court in the case of Ajay Kumar Chaudhary (Supra). Further while deciding the same the authority would also reconsider whether there is any necessity in keeping the petitioner under suspension or not. Let this exercise be completed within a period of 90 days from the date of receipt of copy of order of this Court.

4. With the aforesaid observation, the writ petition stands allowed and disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Rohit