

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 8059 of 2018**

Bharat Singh Thakur S/o Late Shri Banwali Singh Thakur, Aged About 58 Years, Post Assistant Revenue Inspector, R/o Thakur Para, Kawardha, District Kawardha, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, General Administrative Department And Development, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh
2. Director, Administrative And Development Department, Raipur Chhattisgarh
3. Commissioner, Nagar Palika Nigam, Bhilai, Charoda, District Durg Chhattisgarh
4. Chief Municipal Officer, Nagar Palika Nigam Bhilai, Charoda, District Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Ajit Singh, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06/12/2018**

The claim of the petitioner through the present writ petition is for a direction to the respondents to immediately revoke the suspension order dated 20.05.2004 and also for an appropriate direction to the respondents ensuring the release of the subsistence allowance which the petitioner is entitled during the suspension period.

2. Perusal of the record would show that the petitioner was placed under suspension on 20.05.2004 on account of certain misconduct which the petitioner committed in the course of discharge of duties of Assistant Revenue Inspector. Though the petitioner has been served with a charge sheet but till date the departmental enquiry has not been concluded though more than 14 years have passed.

3. The grievance of the petitioner is that the petitioner is finding it difficult to sustain himself as he is not even being paid the subsistence allowance which he is entitled for during the period of suspension. According to the petitioner, by now the respondents should have released 100% salary to the petitioner under the rules as the departmental enquiry is being prolonged for no fault on the part of the employee but on account of sheer lethargic attitude of the department.

4. State counsel on perusal of the record submits that let a direction be issued to respondent no.3 to reconsider the case of the petitioner in the light of the judgment of the Supreme Court in the case of **Ajay Kumar Choudhary Vs. Union of India & Ors. (2015) 7 SCC 291** .

5. Given the said submission made by the counsel for the petitioner as well as the State counsel, this Court is of the opinion that 14 years are too long period for an employee to be placed under suspension pending the departmental enquiry. 14 years also is undoubtedly a long period for the State authority in concluding the disciplinary proceeding which has been initiated. It is also detrimental for both the petitioner who by efflux of time would not be able to get sufficient evidence in support of his defence and at the same time the department also would find it difficult to adduce cogent evidence and witnesses to establish the misconduct.

6. Given the aforesaid factual matrix of the case, this Court is of the opinion that ends of justice would meet if the writ petition in its present form

is disposed of with a direction to respondent no.3 to immediately reconsider the case of the petitioner so far as the suspension part is concerned. While doing so, respondent no.3 shall also pass an appropriate order in respect of the subsistence allowance which the petitioner is entitled for during the suspension period. Let this exercise be completed within a period of 60 days from the date of receipt of copy of this order. It is expected that respondent no.3 while deciding the same, shall take into consideration the observations of the Supreme Court in the case of Ajay Choudhay (supra). Needless to mention that the petitioner shall also render all necessary cooperation to the department for compliance of the directions given above.

7. The writ petition accordingly stands disposed of.

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