

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 8273 of 2018**

Vinod Kumar Yadav S/o Sarju Yadav, Aged About 30 Years,
Suspended Sub Engineer Presently Posted At Nagar Panchayat
Pathariya, District Mungeli, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development, Mahanadi Bhavan, New Raipur, District Raipur, Chhattisgarh
2. Director, Department Of Urban Administration And Development, Mahanadi Bhavan, New Raipur, District Raipur, Chhattisgarh
3. Collector Mungeli, District Mungeli, Chhattisgarh
4. Chief Municipal Officer, Nagar Palik Nigam, Mungeli, District Mungeli, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Hemant Kesharwani, Advocate
For State/R- 1 to 3	:	Ms. Sunita Jain, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13/12/2018**

The relief sought for by the petitioner is for a direction to the respondents to consider the case of the petitioner placing him under suspension.

2. The facts of the case are that the petitioner on 20.03.2017 was placed under suspension on account of the petitioner being implicated in a criminal case for the offence punishable under sections 420, 468, 409 & 120B of IPC in Crime No.154/17 registered at PS Mungeli. The petitioner was initially arrested for the said offence and has subsequently been

released on bail. In due course of time, the matter was put to trial and the charges were framed on 25.10.2017. By now the petitioner has remained under suspension for a period of roughly 21 months. The petitioner on an earlier occasion had filed a writ petition i.e. WPS 1336/18 before this Court which was disposed of on 09.02.2018 directing the authorities to consider the case of the petitioner as to whether there was any necessity for continuing the petitioner under suspension. The authority concerned thereafter vide order dated 28.05.2018 rejected the representation of the petitioner, however, observed that after the period of one year from the date of filing of the charges in the criminal case his case can be reconsidered. The petitioner now relying upon a circular of the State Govt. dated 02.07.2012 has sought for a direction to reconsider the case of the petitioner so far as placing him under suspension is concerned.

3. Counsel for the petitioner submits that as per the circular dated 02.07.2012 Annexure P-5, the respondent authorities are supposed to reconsider the case of the petitioner as more than one year from the date of filing of the charge sheet has already lapsed and the trial has also not substantially progressed. According to him, the conclusion of trial may further take a considerable amount of time.

4. Given the facts and taking note of the order passed by the Department on 28.05.2018 and also the circular of the State Govt. dated 02.07.2012, this Court is of the opinion that ends of justice would meet if the respondent no.2 is directed to reconsider the case of the petitioner on the aspect whether the services of the petitioner still have to be continued under suspension or not. While reconsidering the case of the petitioner, the respondents shall take into consideration the contents of circular dated 02.07.2012 in paragraph-5 i.e. the gravity of the offence, the nature of the

charges and whether the interest of the Department would in any case get adversely affected if the petitioner is permitted to resume his duties on the revocation of his suspension. Keeping all these facts, the authorities shall take a decision at the earliest preferably within a period of 60 days from the date of receipt of copy of this order.

5. It is made clear that this Court has not expressed any opinion so far as the decision to be taken by the authority is concerned and the respondents would be at liberty to take a decision purely in accordance with the rules and the circular applicable.

6. The writ petition accordingly stands disposed of.

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