

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1462 of 2019

Abdul Majid Khan S/o Late Shri Abdul Hasan Aged About 55 Years Presently Posted And Working As CHM (Company Hawaldar Major), Batch No. 407, Chhattisgarh Home Guard, Bilaspur Chhattisgarh.

R/o Village Madai, Post Khamariya, PS Sipat, Tahsil Masturi, District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Home, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Station Naya Raipur, Atal Nagar, District - Raipur Chhattisgarh.
2. Director General (Home Guard) Chhattisgarh, Raipur, District - Raipur Chhattisgarh.
3. Divisional Commandant Home Guard, Bilaspur, District - Bilaspur Chhattisgarh.
4. District Commandant Home Guard Bilaspur, District - Bilaspur Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Varunendra Mishra, Advocate
For State	:	Mr. Rahul Mishra, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/03/2019

1. The grievance of the petitioner in the present writ petition is that the petitioner has been placed under suspension vide order dated 08.10.2012. According to the petitioner, though more than 6 years have passed, the Department has till date not issued any charge-sheet to the petitioner, nor have they ordered for a departmental enquiry and if at all, if there is an inquiry initiated, the same also has till date not been concluded and the petitioner remains under suspension for more than 6 years by now.

2. Given the facts and circumstances of the case, this Court is of the opinion that let the writ petition itself be disposed of with a direction to the respondent No.3 take a decision so far as keeping the petitioner under suspension any further and while deciding the same, the respondent No.3 shall keep in mind the judgment of the Hon'ble Supreme Court in the case of "***Ajay Kumar Choudhary v. Union of India through its Secretary and Anr.***" [2015 7 SCC 291], wherein the Supreme Court has clearly laid down the law so far as prolonged suspension is concerned and said that an employee should not be kept under suspension for a long duration unless the employee is at fault for the prolonged pendency of the departmental enquiry or the criminal case or for any other reason.
3. The authority concerned has to specifically deal with the issue of the necessity of keeping the petitioner under further suspension and shall pass a suitable order in this regard within a period of 60 days from the date of receipt of the copy of this order.
4. The writ petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge