

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1558 of 2019**

Vinod Kumar Bagade S/o Shri Paras Ram Bagade, Aged About 45 Years
Occupation- Service, Presently Under Suspension To The Last Served
Post As Rural Health Organiser (Male) At The Office Of Community Health
Centre Chuikhadan, Tehsil - Chuikhadan, Revenue And Civil District
Rajnandgaon Chhattisgarh. R/o Village - Shanti Nagar, Ward No. 10,
Ambedkar Chowk, Rajnandgaon, Post And Police Station Rajnandgaon,
Tehsil And District Rajnandgaon Chhattisgarh., Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Naya Raipur Revenue And Civil District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Chief Medical And Health Officer Rajnandgaon , District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
3. Director Health Services, Indrawati Bhawan, 3rd Floor, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Surfaraj Khan, Advocate
For State	:	Ms. Sunita Jain, GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****07/03/2019**

1. The limited prayer which the petitioner has sought for in the present writ petition is for a direction to the respondents to consider the case of the petitioner for revocation of the suspension order dated 13/08/2018.
2. Counsel for the petitioner submits that petitioner has now remained under suspension for well over six months for getting involved in a criminal case. He further submits that the offences against the

petitioner was under Section 295(A) of the IPC, for which he is being prosecuted in a criminal case in crime No.54/2018 registered at Police Station Dongargarh. He further submits that till the writ petition was filed, no charge-sheet was filed in the criminal case. Though, the petitioner has been subjected to disciplinary proceedings and the charge-sheet also has been issued by the department on 10/08/2018.

3. Given the facts, he submits that the respondent authorities should now reconsider the case of the petitioner in the light of the judgment of the Supreme Court in the case of **Ajay Kumar Choudhary v. Union of India through its Secretary and Anr.** [2015 (7) SCC 291], as to whether there is any further necessity for keeping the petitioner under suspension or not.
4. The said request of the petitioner seems to be fair and reasonable and the writ petition accordingly stands disposed off with direction to respondents No. 2 & 3 to decide the case of petitioner in the light of the judgment of the Supreme Court in the case of **Ajay Kumar Choudhary**(Supra) and decide whether the petitioner still should be continued under suspension or not.
5. Let this exercise be completed by respondents No. 2 & 3 within a period of three months from the date of receipt of certified copy of this order.
6. Accordingly, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge