

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1784 of 2019**

Dwarika Prasad Dadsena S/o Shri Murlidhar Dadsena Aged About 39 Years R/o Village Purgao, Post Purgao - Via - Bilaigarh, District Baloda Bazar Bhatapara , Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Director, Directorate Of Public Instructions, Sector - 19, Kotara Bhantha, Atal Nagar, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. District Education Officer, Janjgir, District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
4. Jila Panchayat Janjgir Champa, Through Its Chief Executive Officer, Janjgir, District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
5. Head Master, Government Primary School, Karmandi, Block Navagarh, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Amrito Das, Advocate
For State	:	Mr. Rahul Mishra, Dy. GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****18/03/2019**

1. The challenge in the present writ petition is to the order of suspension dated 05/08/2017. During the course of hearing counsel for the petitioner submits that the after having placed the petitioner under suspension on 05/08/2017 the department issued with a

charge-sheet to the petitioner on the same day i.e. 05/08/2017. To the said charge-sheet, the petitioner submitted a detailed reply denying all the charges levelled against the petitioner on 09/10/2017.

2. Counsel for the petitioner at this juncture submits that in respect of reply having been filed on 09/10/2017 till date no further development has taken place on the departmental enquiry in as much as no enquiry officer also been appointed till date. According to the petitioner by now he has remained under suspension for a period of about one and a half years and for the reason that the department has not made any progress in the disciplinary proceedings, the petitioner has a right to be reconsidered for being taken back in service by revocation of his suspension. Counsel for the petitioner relied upon 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].
3. State counsel however, opposing the petition submits that plain reading of the ground for which the petitioner has been placed under suspension shows that the allegations levelled against the petitioner were quite serious. Therefore, he does not deserve for a relief of reconsideration of his suspension as of now. He further submits that the petitioner has an alternative remedy available for preferring an appeal against the order of suspension.
4. Be that as if, admittedly the petitioner has been placed under suspension by now for a period of about more than one and a half years. Till date though charge-sheet was issued along with the order of suspension no enquiry officer has been appointed that itself shows that the delay in the initiation of the disciplinary proceedings and the

conclusion of the same solely rests upon the respondent if that be so applying the principles laid down by the Supreme Court in the case of **Ajay Kumar Choudhary(Supra)**, respondent authorities need to reconsider the case of the petitioner as to whether there is any necessity for prolonging the suspension of the petitioner.

5. Given the said facts, let respondent No. 3 & 4 as the case may be, take a decision in the case of the petitioner deciding as to whether there is any necessity of continuing with the suspension of the petitioner and the respondent authorities shall take a decision within a period of 90 days from the date of receipt of copy of this order. It shall be the responsibility of the petitioner to apprise the respondent No. 3 & 4 so far as the order passed by this Court is concerned.
6. The writ petition stands accordingly disposed off.

Sd/-
(P. Sam Koshy)
Judge

Rohit