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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1839 of 2019**

Kunjbihari Dadsena S/o Late Shri Dhansai Dadsena, Aged About 57 Years, R/o Village Khurspar, Post- Sirko, Tahsil Pithora, Police Station- Basnai, Disttict- Mahasamund, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, Police Station And Post Rakhi, Atal Nagar, Raipur, Disttict- Raipur, Chhattisgarh
2. Collector, Office Of Collectorate (Land Record), Mahasamund, District- Mahasamund, Chhattisgarh
3. Sub-Divisional Officer (Revenue) Office Of S.D.O., Saraipali, District- Mahasamund, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Abhishek Pandey and Mr. Santosh Kumar Pandey, Advocates.
For State	:	Ms. Shriya Mishra, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14.03.2019**

1. The challenge in the present writ petition is to the order of suspension Annexure P-1 dated 20.03.2018.
2. Counsel for the petitioner submits that the petitioner by now is under

suspension for a period of one year and except for issuance of charge sheet in between, there has been no development in the disciplinary proceedings, even an Enquiry Officer has not been appointed till date. He submits that since there is a delay on the part of the respondents in initiating and concluding the disciplinary proceedings, they are supposed to reconsider the claim of the petitioner so far as his suspension is concerned and the authorities may be suitably directed in this regard.

3. It would be relevant at this juncture to refer to the judgment of the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary v. Union of India through its Secretary and Anr.** reported in **(2015) 7 SCC 291** wherein the Supreme Court has specifically held that a person should not be kept under suspension for a prolonged period unless the departmental enquiry or for that matter a criminal case is getting prolonged on account of the concerned employee himself.
4. In the instant case, if the contention of the counsel for the petitioner is to be believed, even an Enquiry Officer has not been appointed by the Department though the petitioner has been placed under suspension for about 12 months now.
5. In view of the aforesaid submission of the counsel for the petitioner, this Court is of the opinion that the case of the petitioner thus requires reconsideration by respondents 2 & 3 wherein the respondents would consider whether there is any further necessity in keeping the petitioner under suspension. While reconsidering the case of the petitioner, respondents 2 & 3 would also keep in mind the judgment of the Hon'ble Supreme Court in the case of Ajay Kumar Choudhary (supra). Let this

exercise be completed within a period of 3 months from the date of receipt of copy of this order.

6. With the aforesaid observation, the writ petition stands disposed of.

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

Khatai