

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.1985 OF 2019**

Ramkaran Kumhar S/o Shri Lusu Prasad Kumhar Aged About 61 Years
Posted As Executive Engineer At Public Works Department, Jagdalpur,
District Bastar Chhattisgarh R/o H. No. 19/16, Aamakherwa-2,
Mahendragarh District Korla Chhattisgarh.

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Public Works Department, Mantralaya, Mahanandi Bhawan, Naya Raipur District Raipur Chhattisgarh.
2. Chief Engineer Public Works Department, National Highway Zone, Public Works Department, NH Campus, Pension Bada, Raipur Chhattisgarh Naya Raipur District Raipur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Maneesh Sharma, Advocate.
For Respondent-State	:	Shri Anshuman Shrivastava, PL.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19.03.2019**

1. Challenge in this petition is the order dated 13.12.2018 placing the petitioner under suspension.
2. Perusal of record would show that the petitioner has been placed under suspension on account of his being prosecuted in criminal case in Crime No.15/2017 for the offence punishable under Sections 13(1)(e) and 13(2) of the Prevention of Corruption Act read with Sections 109,120-B,193 and 201 IPC.
3. The contention of the petitioner is that since the petitioner has remained under suspension for a long time, therefore the authorities concerned may consider revocation of the suspension order particularly keeping in view the judgment of Supreme Court in case of Ajay Kumar Choudhary Vs. Union of India & Another, 2015(7)SCC 291.

4. The petitioner further submits that the charge sheet has already been filed in the criminal case and therefore there is no possibility of the petitioner tampering with any of the records in the department. There is no likelihood of an early disposal of the criminal case also in which the petitioner is being prosecuted and as such the petitioner may not be placed under prolong suspension and a suitable direction be given in this regard to the concerned authorities.
5. The State counsel on the contrary opposing the petition submits that it is just about three months time the petitioner is placed under suspension and therefore at this juncture it does not warrant reconsideration. Even otherwise, the order does not require reconsideration for the reason that the petitioner has been prosecuted for serious offence particularly one under the PC Act and therefore taking the petitioner back in service would not be in the larger interest of the department.
6. Having heard the counsel on either side and on perusal of records, this court is of the opinion that it is always for the department to take into consideration as to whether there is any justification in continuing the services of the employee under suspension any further or not. The Supreme Court in Ajay Kumar (Supra) has also laid down the principle that an employee should not be placed under prolong suspension particularly when there is delay in trial or the departmental enquiry is not being concluded for no fault on the part of the employee.
7. Keeping all these facts into consideration and also taking note of the gravity and nature of offence alleged, it shall be open for the

respondent No.1 to consider the case of the petitioner in the light of the observations made by the Supreme Court in case of Ajay Kumar (Supra) wherein the authorities would consider whether there is any necessity for continuing suspension of the petitioner for long.

8. With the aforesaid observations, the writ petition stands disposed of.
9. It is made clear that this court has not expressed any opinion so far as the claim of the petitioner is concerned and the authorities are expected to take a decision purely in accordance with the factual matrix of the case.

Sd/-
(P. Sam Koshy)
Judge