

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 2579 OF 2019**

Vijaikant Dwivedi S/o Shri Ram Lakhan Dwivedi Aged About 48 Years
Conductor, Assistant Grade III (On Deputation), Now Suspended, office Of
Tahsildar, Pathalgaon, District Jashpur Chhattisgarh.

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

1. State Of Chhattisgarh Through The Secertary, Revenue Department
Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur
Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector Jashpur, District Jashpur Chhattisgarh.
3. Sub Divisional Officer (Revenue) Pathalgaon, District Jashpur
Chhattisgarh.
4. Regional Manager Chhattisgarh Infrastructure Development Corporation
(Transport Department), Raipur, District Raipur Chhattisgarh.
5. Station House Officer Police Station Pathalgaon, District Jashpur
Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Uttam Pandey, Advocate.
For Respondent-State	:	Ms. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08.04.2019**

1. The challenge in this petition is the order of suspension dated 08.03.2017.
2. The grievance of the petitioner is that the petitioner was placed under suspension on account of his being involved in criminal activity and a criminal case was lodged. Further contention of the petitioner is that on one hand the department has taken a decision not to proceed departmentally till conclusion of criminal case and at the same time in the criminal case charge sheet itself has not been filed till date and the petitioner remains under suspension for about two years.
3. According to the petitioner, in the light of the judgment of the Supreme Court in case of Ajay Choudhary Vs. Union of India & Another, 2015(7)SCC 291, the department may reconsider whether there is any necessity of keeping the petitioner under suspension any further.

4. Given the facts and circumstances of the case as narrated by the petitioner, particularly taking note of the fact that in the criminal case the charge sheet itself has not been filed and the department has not proceeded departmentally on account of pendency of the criminal case, keeping in view the judgment of Supreme Court in Ajay Choudhary (Supra) wherein it has been specifically held that a person should not be kept under suspension for a prolonged period unless the departmental enquiry or for that matter the criminal case is getting delayed on account of employee concerned, let the respondent No.2 reconsider the case of the petitioner in the light of the judgment in case of Ajay Choudhary (Supra) as to whether there is any necessity of keeping the petitioner under suspension any further.
5. Let a speaking order be passed by the respondents No.2 in this regard within a period of three months from the date of receipt of copy of this order.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder