

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3571 of 2019**

Vinod Kumar Sahu S/o Shri Panch Ram Sahu Aged About 28 Years R/o
Village And Post Dhramapura, District Mungeli Chhattisgarh., District :
Mungeli, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare,
Department, Mahanadi Bhawan, New Raipur Chhattisgarh., District :
Raipur, Chhattisgarh
2. The Collector, Korba District Korba Chhattisgarh., District : Korba,
Chhattisgarh
3. District Ayurved Officer, Korba, District Korba Chhattisgarh., District :
Korba, Chhattisgarh
4. Office Of Government Ayurvedic Dispensary Parsada, District Korba
Chhattisgarh., District : Korba, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate
For State	:	Mr. Sameer Behar, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10/05/2019**

1. The limited relief that the petitioner has sought for in the present writ
petition is for a direction to the respondent to consider the revocation
of order of suspension issued against the petitioner.
2. According to the counsel for the petitioner, the petitioner was placed
under suspension on 30.11.2015 on account of petitioner being taken
in custody by the Police Station, Kotwali, Korba for the offence under
Section 420, 467, 468, 471, 120(B) of the IPC.

3. The contention of the petitioner is that it is more than 3 ½ years that the petitioner remains under suspension and there is no further necessity or reason for keeping the petitioner under suspension any more and department should reconsider the case of the petitioner so far as deciding whether suspension has to be continued or not. Further contention of the petitioner is that though a criminal case also has been levelled against the petitioner but in the criminal case also in spite of more than 3 ½ years having lapsed the charge also has till not not been framed and as such it would take a pretty long time for the conclusion of criminal trial and for all these periods the petitioner should not be forced to remain under suspension.
4. Counsel for the petitioner referred to the judgment of the in the case of **Ajay Kumar Choudhary v. Union of India** through its **Secretary and Anr.** [2015 (7) SCC 291] wherein the Supreme Court has very specifically held that the authorities should not continue keeping an employee under suspension for a prolonged period particularly when the criminal case is getting prolonged for no fault of the employee.
5. Given the aforesaid facts and circumstances of the case and also taking note of the directions which the Supreme Court has given in the case of **Ajay Kumar Choudhary(Supra)**, this Court is of the opinion that ends of justice would meet if direction is given to the respondent No. 3 to consider whether there is any necessity in keeping the petitioner under further suspension particularly when the petitioner has already remained under suspension for a period of 3 ½ years and the criminal case also is progressing at a very slow pace.

6. Let respondent No. 3 take an appropriate decision keeping in view the judgment of the Supreme Court in the case of **Ajay Kumar Choudhary(supra)** at the earliest preferably within a period of 60 days from the date of receipt of copy of this order. Let petitioner apprise the respondent No. 3 so far as the order passed by this Court is concerned.
7. The writ petition stands accordingly disposed off.

Sd/-
(P. Sam Koshy)
Judge

Rohit