

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5164 of 2019**

D. N. Sahu S/o Late Laxmi Nath Sahu, Aged About 59 Years, R/o
Vivekanand Nagar, Durg, District Durg, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur, Atal Nagar, District Raipur, Chhattisgarh
2. The District Education Officer, Durg, District Durg, Chhattisgarh
3. The President, Shanti Bharti Educational Society, Durg Chhattisgarh, Office At Pandit Nehru Higher Secondary School, Near Agrasen Chowk Beside Gayatri Mandir Durg, Tehsil And District Durg Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Avinash Chand Sahu, Advocate.
For State	:	Mr. Jitendra Pali, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****16.07.2019**

1. Counsel for the petitioner makes an oral request for appropriate correction in the cause title so far as the name of the petitioner is concerned.
2. Not opposed.
3. Accordingly, the oral request is accepted. Let necessary correction

be carried out during the course of the day itself.

4. The present is a second round of litigation. The challenge in the present writ petition is to the order of suspension dated 19.02.2019.
5. According to the petitioner, he was placed under suspension by respondent no.3 on 19.02.2019 and though more than 5 months have passed, the suspension till date has not been revoked. Counsel for the petitioner submits that the petitioner has even not been issued with a charge sheet and on this ground also the suspension should have been revoked by respondent no.3. Further contention of the petitioner is that on the earlier round of litigation this Court had disposed of the writ petition by directing the petitioner to approach the appellate authority i.e. respondent no.2 against the order of suspension and in compliance to the order passed by this Court in the previous round of litigation, the petitioner preferred an appeal before the respondent no.2 on 15.03.2019 but for more than 4 months have passed, the appellate authority has not taken a decision on the said appeal neither has any step been taken by respondent no.2 to instruct respondent no.3 to revoke the suspension.
6. Given the limited grievance that the petitioner has and the fact that has been narrated by the petitioner, this Court is of the opinion that no fruitful purpose would be served in keeping the petition pending, rather ends of justice would meet if the writ petition is disposed of directing the respondent no.2 to ensure that the appeal preferred by the petitioner on 15.03.2019 is decided at the earliest preferably within a period of 60 days from today. The appellate authority i.e. the respondent no.2 is also directed to issue necessary instruction and

direct the respondent no.3 to take a decision on the suspension order which was issued more than 5 months back and till date no charge sheet has been issued and whether under such circumstances, the suspension should be continued.

7. The writ petition accordingly stands disposed of.

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

Khatai