

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5277 of 2019

1. Johan Tigga, S/o Sukul Tigga, Aged About 52 Years, Posted As Teacher (Panchayat) (Now Suspended), Government Middle School Vijaynagar, Block - Dharamjaigarh, District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya, Atal Nagar, New Raipur Chhattisgarh
2. The Chief Executive Officer Zila Panchayat, Raigarh Chhattisgarh
3. The District Education Officer District Raigarh Chhattisgarh

---Respondents

For Petitioner	:	Mr. Ajeet K. Yadav, Advocate.
For State	:	Mr. Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22.07.2019

1. The petitioner through this present Writ Petition is seeking for quashment of order of suspension dated 26.03.2018 (Annexure P/1).
2. A plain reading of the order of suspension would reveal that, the petitioner was placed under suspension on account of the petitioner getting implicated in a criminal case ie., Criminal Case No. 299 of 2017 for the offence punishable u/s 379, 511, 427, 120 -B and 34 of the IPC. The petitioner was also placed under suspension on account of the petitioner being under custody for a period between 08.01.2018 to 24.02.2018.

3. The contention of the petitioner, at this juncture is that, it is about 15 months that the petitioner has been placed under suspension and that the progress of the criminal case also is moving at a slow pace and, therefore, it is not justified for keeping the petitioner under suspension for long. He further submits that the department as such again has initiated disciplinary proceedings against the petitioner.
4. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that, it would be in the interest of justice that the petitioner approaches the Respondent No. 2 ie., the authority who had placed the petitioner under suspension seeking for revocation of the order of suspension while considering the case of the petitioner, the Respondent No. 02 may take into consideration the judgment of the Supreme Court in the case of ***Ajay Kumar Chaturvedi vs. Union of India (2015) Volume 7 SCC 291***, while deciding as to whether the suspension of the petitioner needs revocation or not.
5. Taking into consideration the delay that is being caused in the early conclusion of the trial. Let the Respondent No. 02 take an appropriate decision in the light of judgment of Supreme Case in the case of Ajay Kumar Chaturvedi (supra) at the earliest, preferably within a period of 90 days from the date of receipt of copy of this Order.
6. The present Writ Petition, accordingly stands disposed off.

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