

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7227 of 2019

Digvijay Kumar Dahre S/o Shri Mohan Lal Aged About 31 Years R/o Village Thathri, Po Thathri, Via Jaijaipur, District Janjgir-Champa Chhattisgarh, Pin 495690, District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare, Indravati Bhavan, Atal Nagar, District Raipur Chhattisgarh, Chhattisgarh
2. Director Directorate Of Health Services, Indravati Bhavan, Atal Nagar, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Chief Medical And Health Officer District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
4. Collector District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Gary Mukhopadhyay, Advocate.
For State	:	Ms. Akansha Jain, Dy. GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/09/2019

1. The relief sought for in the present writ petition is for appropriate direction to the respondent No. 2 to consider whether the petitioner has to be continued under suspension or not? The petitioner was placed under suspension vide order dated 11.07.2018 on the ground of his being in custody for a period of more than 48 hours for an

offence punishable under Section 376 of IPC in crime No. 54/2018 registered at Police Station Janjgir.

2. Contention of the petitioner is that since the petitioner is placed under suspension for a period of more than one year now and that criminal case is being delayed for no fault on the part of the petitioner and that the criminal case may take considerable time for its conclusion, hence there is no reason as to why the petitioner should not be taken back in service, pending the outcome of the criminal case as the case may be. The petitioner in this case has already made a representation vide Annexure P-3 to the respondent No.3 which till date has not been considered. The petitioner prays for a direction to the respondent No.3 to consider the case of the petitioner in the light of the judgment of the Supreme Court in the case of **Ajay Kumar Choudhary v. Union of India through its Secretary and Anr. [2015 (7) SCC 291]**
3. State counsel on the contrary opposing the petition submits that taking into consideration the gravity of the offence committed by the petitioner and subject to the criminal case pending before the criminal Court the petitioner's suspension does not require revocation. Thus, prayed for rejection of the writ petition.
4. Without further entering into the merits of the case, since the petitioner has already made a representation to the respondent No.3, this Court is of the opinion that ends of justice would meet if the respondent No.3

considers the representation of the petitioner as to whether the suspension needs to be continued or not, keeping in view the judgment of the Supreme Court in the case of Ajay Kumar Choudhary(supra).

5. Let competent authority i.e. respondent No. 2 take a decision in this regard considering the fact as to whether there is any necessity in keeping the petitioner under suspension any further or not within a period of three months from the date of receipt of copy of this order. It shall be the responsibility of the petitioner to apprise respondent No.3 so far as the order passed by this Court is concerned.
6. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit