

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8795 of 2019

Kanhaiya Lal Chouhan S/o Ramsai Aged About 33 Years Resident of
Village- Goghar Basen, Tahsil- Bagicha, District- Jashpur, Chhattisgarh.
--- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Health and Family Welfare Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, District : Raipur, Chhattisgarh
2. The Chief Medical and Health Officer Jashpur, District- Jashpur, Chhattisgarh
--- **Respondents**

For the Petitioner : Mr. Abhishek Pandey, Advocate

For the State : Mr. Kunal Das, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23-10-2019

1. Upon receipt of information about the registration of FIR and his arrest of more than 24 hours, the petitioner was suspended by respondent no.2 vide order dated 05.08.2019 (Annexure P-1) under section 9 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules. It is stated that though more than 45 days have elapsed from the date of suspension, but till date neither the petitioner was served with the charge sheet nor any enquiry was proposed against him for the alleged misconduct. It is also submitted that even the suspension period of the petitioner is not extended by the respondents despite lapse of 45 days and he is still under suspension, therefore, the petitioner has filed application (Annexure P-5) for revocation of suspension. Learned counsel for the petitioner submits that application of the petitioner

is pending before the respondents and for the time being, the same may be directed to be decided.

2. The procedure of suspension and enquiry is governed by Rule 9 of Rules 1966. Therefore, the respondent Authority may consider and decide the application of the petitioner (Annexure P-5) within a period of 45 days and if any right has been accrued in favour of the petitioner under the provisions of to Rule 9 that may be extended to him.
3. It is mad clear that this court has not made any observation on the merits of the case.
4. This writ petition accordingly stands disposed of.

**Sd/-
GOUTAM BHADURI
JUDGE**