

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 9023 of 2019**

Dayaram Nagesh S/o Late Mr. B.R. Nagesh Aged About 47 Years Posted
As Teacher (LB), R/o Mainpur (Khurd), P.O. And Tahsil - Mainpur (Khurd),
District : Gariyabandh, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, Through The Secretary, Department of School Education, Mahanadi Bhawan, Mantralaya, Naya Raipur, District : Raipur, Chhattisgarh
2. The Secretary Department of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District : Raipur, Chhattisgarh
3. Samagra Shiksha, Through Managing Director, Rajya Pariyojana Karyalaya Raipur, District : Raipur, Chhattisgarh
4. District Project Coordinator (Zila Mission Samvayak) Rajiv Gandhi Shiksha Mission Gariyaband, District : Gariyabandh, Chhattisgarh
5. District Education Officer (D.E.O.) Gariyaband, District : Gariyabandh, Chhattisgarh
6. Chief Executive Officer Zila Panchayat - Gariyaband, District : Gariyabandh, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Anshuman Shrivastava, Advocate
For State	:	Mr. Soumya Rai, PL

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****06/11/2019**

1. It is contended that the petitioner was suspended vide order dated 19.04.2016, subsequently he was charge sheeted on 11.05.2016. however, till the time, three months has already been lapsed long back the suspension still continues till date. It is stated that the suspension has not been extended by any speaking order. It is stated in the facts that the similar legal ratio has been decided in a

decision rendered by Hon'ble Apex Court in the matter of **Ajay Kumar Choudhary Vs. Union of India and Anr.**¹

2. Perused the documents. The Hon'ble Supreme Court in the matter of *Ajay Kumar Choudhary* (supra) in Para 14 has held as under :-

“14. We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Charge sheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Charge-sheet is served a reasoned order must be passed for the extension of the suspension.....”

3. In view of such laid dictum the petitioner has given the liberty to make additional representation before the competent authority for revocation of his suspension and may bring to the notice of the competent authorities the decision of Supreme Court in *Ajay Kumar Choudhary*(supra) and, in turn, the competent authority shall consider and decide the petitioner's representation for revocation of his suspension in accordance with law expeditiously preferably within a period of three months from the date of receipt of copy of representation.
4. With the aforesaid observations, the writ petition stands finally disposed off. No order as to cost(s).

Sd/-
(Goutam Bhaduri)
Judge

yasmin