

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9607 of 2019**

- Ranjeet Singh S/o Shri Kamal Narayan Singh Aged About 41 Years Presently Working (As Suspended) As Assistant Teacher (L.B.) Primary School Kadreva, Block Khadgawa, District Korea, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary School Education Department Mahanadi Bhawan, Atal Nagar, New Raipur, Chhattisgarh
2. The Collector District Korea-Baikunthpur, Chhattisgarh
3. The District Education Officer District Korea, Chhattisgarh
4. The Block Education Officer Block - Khadgawan, District Korea-Baikunthpur, Chhattisgarh

---- Respondents

For Petitioner : Shri Aman Upadhyay, Advocate

For Respondents/State : Shri Ravish Verma, GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****12/12/2019**

1. Learned counsel for the petitioner submits that the petitioner has filed this petition aggrieved by continuance of suspension order which was passed on 23.03.2019. He would further submit that after suspension order was passed on 23.03.2019 thereafter on 25.04.2019 the charge-sheet was served and enquiry has been initiated. Learned counsel for the petitioner contended that in view of the law laid down by the Supreme Court in the case of ***Ajay Kumar***

Choudhary V. Union of India, (2015) 7 SCC 291, the suspension is liable to be revoked.

2. Learned State counsel submits that the case of the petitioner shall be considered in accordance with law.
3. The Supreme Court in the case of **Ajay Kumar Choudhary Versus Union of India** THROUGH ITS SECRETARY **and Another (2015) 7 SCC 291** has held thus in para 21, which is reproduced herein below:-

21. We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served, a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the person concerned to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that the previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time - limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation, departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.

4. In view of the law laid down by the Supreme Court and aforesaid submission, at this stage, the petition is disposed off with a direction that if the petitioner prefers separate representation before Respondent No.1, stating the grounds, the Respondent No.1 shall consider the same by recording clear reasons

whether suspension order shall further continue or not applying the law laid down by the Apex Court in case of Ajay Kumar Choudhary (supra). The exercise shall be completed within 30 days from the date of submission of the representation by the petitioner to Respondent No.1.

The petition is accordingly disposed off.

Sd/-

Goutam Bhaduri
Judge

Ashu