

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 8523 of 2018

Radni Daniels S/o Anthoni Deniels, Aged About 59 Years, R/o Tarbahar, P.S. Tarbahar, Bilaspur, District Bilaspur, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Health And Family Welfare Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur, Chhattisgarh.
2. Director, Medical And Health Services, Raipur, District Raipur, Chhattisgarh.
3. Chief Medical And Health Officer, Sarkanda Bilaspur, District Bilaspur, Chhattisgarh.

---Respondents

For petitioner	:	Shri Atanu Ghosh, Advocate.
For State	:	Ms. Sunita Jain, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18/01/2019.

1. The challenge in the instant Writ Petition is to the order Annexure-P/1 dated 22/10/2010 whereby the petitioner was placed under suspension.
2. The counsel for the petitioner has filed the petition seeking for a direction to the respondents to reconsider the suspension order as substantial period has lapsed and he has been unnecessarily placed under suspension. He further relied upon the judgment passed by the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary v. Union of India, Through its Secretary & Anr. [2015 7 SCC 291]**.

3. On perusal of record it appears that, the petitioner was placed under suspension on account of he been arrested in a criminal case where the petitioner was prosecuted for an offence under Section 420 of IPC.
4. On a query being put to the counsel for the petitioner he submits that, the said criminal case is still pending consideration before the trial Court and it is in the stage of recording evidence.
5. According to the counsel for the petitioner, the trial is being unnecessarily prolonged. He submits that, the petitioner's suspension order may be reconsidered by the department and an appropriate decision may be taken in this regard.
6. The State counsel on the other hand opposing the petition submits that, since the petitioner was involved in a criminal case for the offence under Section 420 of IPC, it would not be advisable at this juncture for revocation of suspension order. She further submits that, the case of the petitioner can be considered immediately after the conclusion of the trial.
7. Given the said facts and circumstances of the case and also taking into consideration the fact that the petitioner now stands under suspension for a period of 8 years and, 8 years is a pretty long time for a person to be continued under suspension. The proceeding before the trial Court show that, the trial is not been prolonged on account of the fault of the petitioner.
8. Given the said situation this Court is of the opinion that, let the petitioner make a fresh representation to the respondents No. 2 & 3 seeking reconsideration of the suspension order. That on such representation being

filed, the respondents No. 2 & 3 are directed to decide the representation at the earliest preferably within a period of 60 days from today. It is expected that, the respondents while deciding the same shall consider the case of the petitioner in the light of the judgment of the Supreme Court in the case of Ajay Kumar Choudhary (Supra). While deciding the same, the authorities would also consider whether there is any further necessity in keeping the petitioner still under suspension any further.

9. Let the petitioner apprise the respondents No. 2 & 3 along with his representation so far as the order passed by this Court is concerned.

10. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit