

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3327 of 2020

- Chandrakant Sharma S/o Shri Punam Chand Sharma Aged About 29 Years Occupation Service Presently Suspended From The Post Of Assistant Teacher (Panchayat), Govt. Primary School Navapara Kaskela Block Bhaiyathan, District Surajpur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. Chief Executive Officer, Janpad Panchayat Bhaiyathan District Surajpur Chhattisgarh
3. Block Education Officer, Bhaiyathan District Surajpur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A.N. Pandey, Advocate
For State	:	Mr. Amrito Das, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24.08.2020

1. Heard
2. Learned counsel for the petitioner submits that the petitioner was suspended vide order dated 18.10.2019 (Annexure P/1) and even after a period of 45-90 days no memorandum of charges/ chargesheet has been served to him, therefore, according to the Rule 9(5)(a) of the M.P. & C.G. Civil Services (Classification, Control and Appeal) Rules 1966 (henceforth 'CCA Rules 1966'), the suspension of a Government servant would automatically come to an end after the expiry of 90

days. He further submits that under these circumstances relying on the case of **Ajay Kumar Choudhary vs. Union of India & Others**¹, the petitioner has made a representation to the Chief Executive Officer Janpad Panchayat Bhaiyathan Distt. Surajpur(C.G.) i.e. Respondent No. 2 (Annexure P/3) on 15.06.2020, which may be decided in accordance with law.

3. Learned State counsel submits that if such representation is pending, then the same may be decided in accordance with law.
4. Considering the limited prayer made by the petitioner that since the petitioner was suspended on 18.10.2019 and he claims that the memorandum of charges/ chargesheet has not been served to him on either departmental enquiry or on the criminal case and since the petitioner has made a representation (Annexure P/3) dated 15.06.2020, the same shall be decided accordingly keeping in background the law laid down in the case of **Ajay Kumar Choudhary** (Supra) read with Rule 9(5)(a) of the CCA Rules 1966 within a period of 45 days from the receipt of copy of this order.
5. With the aforesaid direction/ observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Vishakha