

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3664 of 2020**

- Sunil Kumar Yadav S/o Late Shri Gulab Singh Yadav Aged About 38 Years Presently Working As And Posted At Assistant Grade 3, O/o Block Development Education Officer, Bilha , District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary , Department Of School Education , Government Of Chhattisgarh, Mantralaya, Mahanadi Bhawan , Nava Raipur , District Raipur Chhattisgarh, Pin Code 492 002
2. Under Secretary Department Of School Education Government Of Chhattisgarh, Mantralaya , Mahanadi Bhawan, Nava Raipur , District Raipur Chhattisgarh, Pin Code 492 002

---- Respondents

For Petitioner : Shri K. Rohan, Advocate

For Respondents/State : Ms. Richa Shukla, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****18/09/2020**

1. Heard.
2. According to the petitioner, he was suspended on 10.01.2020 under Rule 9 (1) (a) of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966. Subsequently, initially the charge-sheet was not served, however, lately the charge-sheet was served on 24.04.2020 vide Annexure P-5. It is contended that despite the charge-sheet has been served, no enquiry officer has been appointed yet.
3. Learned counsel for the petitioner would submit that the suspension order was

passed on 10.01.2020 and despite the lapse of 90 days, the suspension is not revoked, therefore, it would be against the law laid down by the Supreme Court in the case of ***Ajay Kumar Choudhary Vs. Union of India {(2015) 7 SCC 291}***. He would further submit that under the circumstances, the petitioner has made representation on 23.04.2020 (Annexure P-4) and lastly representation was made on 17.08.2020 (Annexure P-9) and the same may be directed to be decided in terms of the law laid down by the Supreme Court in the case of ***Ajay Kumar Choudhary (supra)***.

4. Learned State counsel would submit that they would decide the representation of the petitioner.
5. It is not in dispute that the petitioner was suspended on 10.01.2020 and the Supreme Court in the case of ***Ajay Kumar Choudhary Vs. Union of India {(2015) 7 SCC 291}*** has laid down that even if the memorandum of charge-sheet is served, a reasoned order must be passed for extension of the suspension. Herein the present case apparently it shows that the charge-sheet when was served, no such order of extension of time for suspension has been passed. Therefore, under the circumstances, the respondent No.2 is directed to decide the pending representation of the petitioner dated 17.08.2020 (Annexure P-9) in view of the law laid down by the Supreme Court in the case of ***Ajay Kumar Choudhary (supra)*** within a period of 30 days from the date of receipt of certified copy of this order.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge