

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3718 of 2020**

- Chandra Shekhar Khare S/o Shri Ganesh Ram Khare, Aged About 35 Years R/o Village - Pamgarh, Police Station - Pamgarh, District - Janjgir - Champa Chhattisgarh

---- Petitioner**Versus**

1. Indira Gandhi Krishi Vishwavidyalaya, Through - Vice - Chancellor, Krishak Nagar, Raipur District - Raipur Chhattisgarh
2. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur District - Raipur Chhattisgarh

---- Respondents

For Petitioner : Ms. Sharmila Singhai, Advocate

For Respondents : Shri Shashank Thakur, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order****22/09/2020**

Heard.

1. Learned counsel for the petitioner would submit that the petitioner was suspended by order dated 30.06.2018 (Annexure P-2) on the ground that one criminal case bearing crime No.216/2017 under Section 420 of the IPC before the JMFC, Malkharoda, District Janjgir-Champa has been registered against him. She would further submit that against such cognizance a CRMP No.276/2019 was preferred, wherein this Court on 28.01.2019 has stayed the proceeding of the Crime No.216/2017. She would further submit that as per the

law laid down in the case of ***Ajay Kumar Choudhary Vs. Union of India through its Secretary and another {(2015) 7 SCC 291}*** the petitioner though was suspended in the year 2018, no reasoned order has been passed for extension of the suspension despite the fact that the charge-sheet is served. Reference is made to para 21 of the judgment passed in ***Ajay Kumar Choudhary (supra)***, which reads as under:-

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.

2. Learned counsel for the respondent, on instructions, would submit that they will take decision in accordance with the law laid down in the case of ***Ajay Kumar Choudhary (supra)*** specially para 21 thereof.
3. The Supreme Court in the case of ***Ajay Kumar Choudhary (supra)*** has laid down that currency of the suspension order should not extend beyond the period of three months if within this period the memorandum of charges/charge-

sheet is not served on the delinquent officer and if the memorandum of charges/charge-sheet is served, a reasoned order must be passed for the extension of the suspension. In the present case nothing is on record to show that the extension of suspension was made, therefore, the respondents are directed to pass an order strictly in conformity with para 21 of the judgment passed in ***Ajay Kumar Choudhary (supra)*** within a period of 30 days from today.

4. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu