

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3940 of 2020**

- Ku. Radhika Naidu D/o Dalaiya Naidu Aged About 46 Years Posted As Peon, In The Office Of Superintendent, Government Physically Handicap Children Home, Jagdalpur, Village Adawal, Tahsil Jagdalpur District Bastar Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Social Welfare Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur, Atal Nagar, Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Director Office Of Directorate, Social Welfare Department, Mahanadi Khand, D. K. S. Bhawan, Raipur District Raipur Chhattisgarh.
3. Collector (Social Welfare) Jagdalpur District Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh
4. Deputy Director Social Welfare Department, Jagdalpur, District Bastar Chhattisgarh,
5. Superintendent Government Handicapped Children Home, Village Adawal, Tahsil Jagdalpur District Bastar Chhattisgarh,

--- Respondents

For Petitioner	:	Mr. Malay Shrivastava Advocate
For State	:	Ms. Akansha Jain, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****7-10-2020**

1. Heard.
2. Learned counsel for the petitioner would submit that the

petitioner was working as Peon in the office of Superintendent, Government Physically Handicap Children Home, Jagdalpur. He was suspended by order dated 22-1-2020 (Anenxure P/1) and thereafter charge-sheet was served to the petitioner. He would further submit that though after the suspension of the petitioner, 90 days have passed, but suspension has not been revoked till date. He further refers to para 21 of the judgment passed in **Ajay Kumar Choudhary Vs. Union of India through its Secretary and another {(2015) 7 SCC 291}** 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."

3. In the present case, there is nothing on record to show that order for extension of suspension was passed. Therefore, in view of the principle laid down in the case of **Ajay Kumar Choudhary (supra)**, it is directed that the petitioner shall be at liberty to make a representation before the respondent authorities within a period of two weeks, and on such representation being filed, the respondent authorities shall pass an order over revocation of suspension of the petitioner within a period of 30 days from the date of receipt of such representation.
4. With the aforesaid observation/direction, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Raju