

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 4490 OF 2020**

- Krishna Kumar Sughoshmani, S/o Late C.R. Sughoshmani, Aged About 56 Years Posted As Assistant Grade -Iii, In The Office Of Government Handicapped Children Home, 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.
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.
4. Deputy Director, Social Welfare Department, Jagdalpur, District Bastar(CG)
5. Superintendent, Government Handicapped Children Home, Village Adawal, Tahsil Jagdalpur, District Bastar, Chhattisgarh.

... Respondents

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

Hon'ble Shri Justice P. Sam Koshy**Order on Board****20/11/2020**

1. Challenge in the present Writ Petition is to the order of suspension of the Petitioner passed by Respondent No.3 on 22.1.2020.
2. Contention of learned Counsel for Petitioner is that though more than 90 days have passed, the Respondents have not proceeded further with the disciplinary proceedings except for issuance of charge-sheet and that for the last about more than 10 months the Petitioner is unnecessarily placed under suspension.
3. Learned Counsel for Petitioner further submits that the Hon'ble Supreme Court in the case of *Ajay Kumar Choudhary Vs. Union of India & Anr.*, 2015 (7) SCC 291, has categorically held that beyond the period of 90 days if the Disciplinary Authority intends to continue with the suspension there has to be a reasoned and speaking order passed to that effect or else the suspension needs to be revoked.
4. Perusal of record would show that there does not seem to be any representation made by the Petitioner to the Disciplinary Authority in this regard seeking for revocation of suspension order.

5. Learned State Counsel also at this juncture submits that let the matter be disposed of directing the Petitioner to approach the Disciplinary Authority who in turn shall take a decision in the light of the judgment of the Hon'ble Supreme Court in the case of *Ajay Kumar Choudhary (supra)*.

6. Given the aforesaid submission made by learned State Counsel, the present Writ Petition at this juncture is being disposed of directing the Petitioner to approach the Disciplinary Authority within a period of 15 days from the date of receipt of copy of this order and on receipt of the same the Disciplinary Authority is expected to take a decision keeping in view the judgment of the Hon'ble Supreme Court in *Ajay Kumar Choudhary (supra)*, at the earliest, preferably within a period of another 45 days from the date of receipt of representation of the Petitioner.

7. Writ Petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
JUDGE

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