

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5171 of 2020**

Dinesh Kumar Lalwani S/o Shri N.K. Lalwani, Aged About 44 Years R/o
13/15, Panjwani Gali, Nahar Para, Raipur, District Raipur Chhattisgarh

---- Petitioner**Versus**

1. Hidayatullah National Law University Through Its Registrar, Hidayatullah National Law University, Atal Nagar, Raipur, District Raipur Chhattisgarh
2. The Vice Chancellor, Hidayatullah National Law University, Atal Nagar, Raipur, District Raipur Chhattisgarh
3. The Registrar, Hidayatullah National Law University, Atal Nagar, Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Shashank Thakur, Advocate
For State	:	Mr. Sudeep Verma, Dy. GA

Hon'ble Shri Justice P. Sam Koshy
Order on Board

10/12/2020

1. The challenge in the present writ petition is to the order of suspension dated 06.08.2020. The order of suspension has been issued by the Registrar of the respondent University under the instruction of the Vice Chancellor.
2. Contention of the petitioner is that it has been now more than 120 days that is more than 4 months that the petitioner has been placed under suspension. However, till date no charge sheet or a disciplinary proceeding have been initiated against the petitioner. Counsel for the petitioner at this juncture refers to the decision of the Supreme Court in the case of **Ajay Kumar Choudhary Vs. Union of India, through its Secretary and**

another, (2015) 7 SCC 291, wherein Supreme Court has in a very categorical terms held that an employee cannot be placed unnecessarily for a long period under suspension and such orders of suspension need to be reconsidered beyond the period of 90 days. In the instant case admittedly the suspension order was issued on 06.08.2020, it has been more than 4 months now the petitioner has till date not been issued with any chargesheet or any disciplinary proceedings have been initiated against the petitioner.

3. At this juncture it would be relevant to take note of the observations of the Supreme Court in the case of Ajay Kumar Choudhary (Supra) wherein in paragraph 21 the Hon'ble Supreme Court has in a very categorical term has held 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 concerned person 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 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.

4. In view of the authoritative decision of the Supreme Court, the writ petition at this juncture stands disposed of directing the respondent No.2 & 3 to reconsider their decision, as it was they who had placed the petitioner under suspension keeping in view the observations of the Supreme Court in the case of Ajay Kumar Choudhary (Supra) at the earliest preferably within a period of 30 days from the date of receipt of copy of this order.
5. It shall be the responsibility of the petitioner to apprise respondent No.2 & 3 so far as order passed by this Court is concerned.
6. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit