

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5194 of 2020**

1. Dhirendra Singh Parihar S/o Jai Pratap Singh Parihar Aged About 48 Years R/o Jail Colony Katghora, Tahsil Katghora, District Korba, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Home (Police) Department Mahanadi Bhawan, Mantralaya New Raipur Tahsil And District Raipur, Chhattisgarh
2. The Director General Jail And Corrective Services Jail Headquarter, Chhattisgarh, Raipur Chhattisgarh
3. The Superintendent Of Jail Central Jail Bilaspur, District Bilaspur, Chhattisgarh
4. The Assistant Superintendent Of Jail Sub Jail, Katghora, District Korba, Chhattisgarh

---- Respondents

For Petitioner : Shri Anshul Tiwari, Advocate.

For State : Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14.12.2020**

1. The grievance of the petitioner in the present writ petition is the prolonged suspension of the petitioner.
2. According to the petitioner, he has been suspended on 11.12.2019 on charges of accepting a bribe of Rs. 10,000/- for which he was caught red handed and was arrested by the team of Anti Corruption Bureau. According to the petitioner, now more than one year has lapsed, the respondents ought to have reconsidered the continuance of the petitioner under suspension in the light of the Judgment of the Supreme Court in the case of Ajay Kumar Choudhary v. Union of India {(2015) 7 SSC 291}.

3. The State Counsel however opposing the petition submits that considering the seriousness of the allegations levelled against the petitioner, the case of the petitioner does not deserve to be reconsidered, particularly taking note of the fact that a criminal case is already proceeding against the petitioner and where the charge-sheet has also been filed.

4. Having considered the contention put forth on either side and on perusal of records, it would be relevant at this juncture to refer to paragraph-21 of the judgment of the Hon'ble Supreme Court in the case of Ajay Kumar Choudhary (supra), which for ready reference is reproduced here-in-under:-

“We, therefore, direct that the currency of a suspension order should not extend beyond three months if within this period the memorandum of charges/charge-sheet is not served on the delinquent officer/employee; if the memorandum of charges/charge-sheet is served, a reasoned order must be passed for the extension of the suspension.

5. In view of ratio laid down by the Supreme Court in the aforesaid judgment, the respondents are required to reconsider the order of suspension of the petitioner “Reconsideration does not mean that the suspension has to be revoked, reconsideration means that the respondents should reconsider whether it is necessary at this juncture to continue the delinquent employee under suspension any further or he can be taken back in service subject to the out-come of the criminal case/departmental enquiry whatever is pending against the delinquent employee.”

6. Given the said facts and circumstances of the case, the writ petition at this juncture is disposed of directing the respondents to consider the claim of the petitioner seeking revocation of the suspension. The

respondents are directed to consider the issue as to whether there is any further need for continuing with the order of suspension so far as the petitioner is concerned, taking into consideration the lapse of about a years time, when he has first placed under suspension and also keeping in mind about the criminal case initiated and where only charge sheet has till now been filed. Let this exercise be concluded within a period of 60 days from the date of receipt of copy of this order.

7. The writ petition accordingly stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**

Jyotijha