

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 9765 of 2019

Anand Kumbhkar S/o Panchu Kumbhkar Aged About 31 Years R/o
Kumharpara, Ward No.15, Kawardha, Police Station And Tahsil-
Kawardha, District- Kabirdham, Chhattisgarh,

---- **Petitioner**

Versus

1. Chhattisgarh Rajya Gramin Bank Through Managing Director-Cum-Chairman, Head Office Mahadev Ghat Road, Sundar Nagar Raipur, District-Raipur, Chhattisgarh
2. Chhattisgarh Rajya Gramin Bank Regional Office Rajnandgaon, Through It's Regional Manager, Regional Office Near Mundra Kunj, G.E. Road, Rajnandgaon, District- Rajnandgaon,
3. Chhattisgarh Rajya Gramin Bank Branch Dashrangpur, Through Its Branch Manager, Dashrangpur, District- Kabirdham, Chhattisgarh,

----**Respondents**

For petitioner – Shri Dharmesh Shrivastava, Advocate.
For respondents- Shri N. Naha Roy, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

15/01/2020

Heard.

1. Learned counsel for the petitioner submits that only grievance of the petitioner is that the petitioner has been suspended on 10/12/2018 and till today neither charge sheet has been supplied nor any further action have been taken on the suspension. He submits that in view of the law laid down in case of **Ajay Kumar Choudhary Vs. Union of India (UOI) & Ors.** reported in **LAWS (SC) 2015 2 57** wherein it has been held that suspension cannot be for the indefinite period and refers to para 14 which reads as under:-

“14. 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.”

2. Learned counsel submits that in view of this, representations which has been filed dated 2/02/2019, 22/08/2019 & 16/09/2019 they may be directed to be decided forthwith.
3. Considering the fact that the petitioner was suspended on 10/12/2018 and as on today as has been averred charge sheet has not been given, considering the law laid down in case of **Ajay Kumar Choudhary** (supra) and the prayer as has been made, it is directed that the respondents shall take decision on the representation of the petitioner within a period of 30 days from the date of receipt of this order.
4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE