

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 10661 of 2019

Suresh Kumar Taram S/o Buddhan Singh, Aged About 48 Years R/o
Kailash Nagar Ward No. 2, Kawardha, Police Station and Tahsil Kawardha,
District Kawardha (Kabirdham), Chhattisgarh.
--- **Petitioner**

Versus

1. State of Chhattisgarh through Secretary, Revenue and Disaster Management, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Collector Kawardha (Kabirdham) District Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh
3. Sub-Divisional Officer (Revenue), Kawardha, District Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh
4. Tahsildar Kawardha, District Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh
--- **Respondents**

For the Petitioner	: Mr. Dharmesh Shrivastava, Advocate
For the State	: Ms. Akanksha Jain, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25-02-2020

(1) Learned counsel for the petitioner would submit that though the State was directed to file reply, yet the same is not placed on record. He submits that the petitioner is aggrieved by continuation of suspension order which was passed on 14.12.2018. It is stated that thereafter the charge sheet was framed on 01.03.2019 which was supplied to the petitioner on 10.04.2019 and thereafter till date no notice for the departmental enquiry has been served and the petitioner's suspension still continues. He refers to the Judgment rendered in **(2015) SCC 291 *Ajay Kumar Chaudhary v. Union of India*** and would submit that the currency of suspension order should not extend beyond the period of

3 months and the prolonged suspension was against the decision of the Supreme Court. He further contends that if the memorandum of charges/charge sheet is served, the reasoned order must be passed for extension of suspension. It is further contended the petitioner's suspension for long indefinite period cannot be sustained and is liable to be revoked in accordance with law.

(2) Learned State Counsel submits that the case of petitioner shall be considered in accordance with law.

(3) In view of the aforesaid submission, at this stage, the petition is disposed of with an observation/direction that if the petitioner prefers a fresh representation before concerned respondents stating the grounds, the same shall be considered and decided by a speaking order recording clear reasons whether the suspension order shall be further extended or not in view of the law laid down by the Apex Court in case of *Ajay Kumar Choudhary (supra)*. This exercise shall be completed within 45 days from the date of presentation of representation by the petitioner.

Sd/-
GOUTAM BHADURI
JUDGE