

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 562 of 2021**

Khuman Prasad Rajwade S/o Suryabhan Rajwade Aged About 49 Years
Occupation- Assistant Teacher, Primary School- Dhourabhatha, Janpad
Panchayat- Korba, Distt. Korba (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Panchayat, Indrawati Bhawan,
New Raipur, Distt. Raipur (Chhattisgarh)
2. Chief Executive Officer Janpad Panchayat- Korba, Distt. Korba
(Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Soumitra Kesharwani, Advocate
For State	:	Mr. Wasim Miyan, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12/02/2021**

1. The grievance of the petitioner in the present writ petition is the inaction on the part of the respondents in not considering the issue of the revocation of suspension of the petitioner.
2. The facts of the case is that the petitioner was placed under suspension on 13.06.2016 on certain alleged misconducts. Subsequently respondents vide Annexure P-2 appointed an enquiry officer and a presenting officer and along with that order the respondents also issued a charge-sheet to the petitioner.

3. Contention of the petitioner is that thereafter there has been no further development in the departmental enquiry proceedings that have been drawn and order of suspension also has not been reconsidered by the authorities concerned. Counsel for the petitioner referred to the judgment of the Supreme Court in the case of ***Ajay Kumar Choudhary v. Union of India through its Secretary and Anr. [2015 (7) SCC 291]*** wherein the Hon'ble Supreme Court has specifically held that employee cannot be placed under suspension for a prolonged period without any justified and reasonable reasons.
4. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that writ petition at this juncture can be disposed of directing the respondent No.2 to consider the case of the petitioner. Respondent No.2 shall immediately consider the case of the petitioner for revocation of suspension order keeping in view of the judgment of the Supreme Court in the case of ***Ajay Kumar Choudhary***(Supra). Respondent no.2 is expected to take a decision at the earliest preferably within a period of 45 days from the date of receipt of copy of this order.

Sd/-
(P. Sam Koshy)
Judge

Rohit