

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 474 of 2021**

- Sandhya Sonwani D/o Late Puran Chand Sonwani Aged About 40 Years Cooperative Extension Officer, Malkharouda, District Janjgir- Champa, Chhattisgarh R/o Shri Vrindawan Bhawan, Beside Radheshyam Tent House Radheshyam Tent House, Sharda Chowk, Janjgir, District Janjgir-Champa, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh The Secretary, Cooperative Department, Mahanadi Bhawan Mantralaya, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh,
2. Registrar Cooperative Societies, Chhattisgarh, Indrawati Bhawan Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh,
3. Deputy Registrar Copperative Societies, Janjgir, District Janjgir- Champa, Chhattisgarh.,

---- Respondents

For petitioner	:	Mr. Keshav Prasad Gupta, Advocate.
For State	:	Mr. Amit Bakshi, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15-02-2021**

1. The grievance of the petitioner in the present writ petition is the prolonged period of suspension that according to the petitioner vide order dated 16-9-2019 (Annexure P/1) she was placed under suspension followed with a charge-sheet that was issued on 18-10-2019 (Annexure P/4), to which the petitioner gave a reply on 11-11-2019 (Annexure P/5).

However, thereafter there has been no further development on the part of the respondents and the petitioner still remains under suspension. At this juncture, it would be relevant to take note of the judgment passed by the Hon'ble Supreme court in case of **Ajay Kumar Choudhary vs. Union of India, reported in (2015) 7 SCC** wherein in para 21 it has been 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”.

2. Given the aforesaid direction by the Honorable Supreme Court and also taking note of the fact that the petitioner has been under suspension for the period of more than 16 months and till date the department has not appointed any enquiry officer, the respondents are directed to consider the claim of the petitioner for revocation of the suspension order in terms of the judgment of the Supreme Court in Ajay Kumar Choudhary (supra).
3. Let a decision in this regard be taken by the respondent No.2 within a period of 60 days from the date of receipt of copy of this order.
4. With the aforesaid observation/direction, the writ petition stands disposed of.

Sd/-

(P. Sam Koshy)
Judge

Raju