

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 708 of 2021**

Ashutosh Shinde S/o Shri R.P. Shinde, Aged About 42 Years, Working As Assistant Grade - II (AG-II) At District Court Korba, R/o. Quarter No. NG-7, Revenue Colony Korba, District Korba, Chhattisgarh

---- **Petitioner****Versus**

- District And Session Judge, Office Of District And Session Judge, District Korba, Chhattisgarh

---- **Respondents**

For Petitioner : Mr. Anshul Tiwari, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****18.02.2021**

1. The present is a writ petition challenging the order of suspension dated 16.08.2016 and the representation which now stands rejected vide order dated 05.03.2020.
2. The brief facts for disposal of the writ petition are that the petitioner herein is a Reader to the court of Chief Judicial Magistrate, District Korba. On the allegation of committing certain irregularities and illegalities, the services of the petitioner were placed under suspension vide order dated 16.08.2016 contemplating departmental inquiry. For the same alleged misconduct, the department has also lodged an FIR at Police Station Kotwali, District Korba against the petitioner for the offence punishable under sections 420, 465, 466, 468, 471, 474, 474(A) of IPC and for which also there was a criminal case initiated and

the matter is under trial. While the department initiated disciplinary proceedings against the petitioner, he rushed to the High Court and filed WPS 2874/2017 and this Court vide order dated 06.07.2017 had stayed the further proceedings of the departmental inquiry taking into consideration the judicial pronouncement of the Hon'ble Supreme Court in the case of Stanzen Toyotetsu India Private Limited v. Girish V. and others, (2014) 3 SCC 636. The petitioner also preferred another writ petition questioning the issuance of the suspension order vide WPS no. 3452/2018 and this Court vide order dated 02.05.2018 dismissed the writ petition.

3. Counsel for the petitioner drawing the attention to the impugned order Annexure-P-2 submitted that the said order has been passed by the authority concerned in a mechanical manner without appreciating the fact that the petitioner has remained under suspension now for a period of 4 years and in the light of the judgment of the Supreme Court in the Case of Ajay Kumar Choudhary v. Union of India through its Secretary and Anr. reported in (2015) 7 SCC 291, the authority ought to have revoked the suspension and the petitioner should have been taken back in service.
4. What is paramount at this juncture to take note of the fact is that the petitioner has admittedly worked on the post of Reader in the court of the Chief Judicial Magistrate, Korba. The allegations against the petitioner are very serious in nature inasmuch as the allegation is that of the petitioner himself had put the signature of the Chief Judicial Magistrate in certain orders and had misused the official capacity that he was discharging for illegal means.
5. Given the said facts and considering the gravity of the charge, this

Court is of the opinion that the decision on the part of the respondents in not revoking the suspension of the petitioner in the given facts is proper, legal and justified.

6. As regards the delay in conducting departmental inquiry, one must take note of the fact that it is the petitioner who had approached the Court and got the departmental inquiry stayed. The respondent authorities were very much interested to proceed further with the departmental inquiry and to take an appropriate decision at the earliest but for the intervention of this Court at the behest of the petitioner himself, they could not proceed further with the departmental inquiry. Under the circumstances, this Court does not find any strong case made by the petitioner calling for an interference with the impugned order.
7. The writ petition therefore deserves to be and is accordingly dismissed.

Sd/-

**P. Sam Koshy
Judge**