

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 822 of 2021**

Dr. Pratap Singh Kurrey S/o Late Gyan Prasad Kurrey, Aged About 58 Years, R/o Village Khisora, P.S. And Tehsil Akaltara, District Janjgir Champa, Chhattisgarh

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

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur, Chhattisgarh
2. Under Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur, Chhattisgarh
3. Director, Health Services, Indrawati Bhawan, Atal Nagar, District Raipur, Chhattisgarh
4. Chief Medical And Health Officer, Janjgir, District Janjgir Champa Chhattisgarh
5. Civil Surgeon Cum Chief Hospital Superintendent, District Hospital Janjgir, District Janjgir Champa, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Ashutosh Trivedi, Advocate
For State	:	Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****15.03.2021**

1. The grievance of the petitioner in the present writ petition is the prolonged suspension of the petitioner who is under suspension by an order dated 13.05.2020 w.e.f. 11.11.2019.

2. The contention of the counsel for the petitioner is that the petitioner was falsely implicated in a criminal case for an alleged offence under Sections 376 & 450 of the IPC and the criminal case is getting prolonged unnecessarily. Contention of the petitioner is that in the light of the judgment of the Hon'ble 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 disciplinary authority needs to reconsider the aspect as to whether the petitioner would be continued under suspension or not for the reason that the suspension period by now is about 1 ½ years whereas in the case of Ajay Kumar Choudhary (supra) the Hon'ble Supreme Court wants all the cases of suspension which stand extended for a period beyond 90 days, to be reconsidered on the aspect whether there is any necessity for continuing the suspension of the employee.
3. State counsel submits that in the light of the judgment of the supreme Court, the case of the petitioner shall be considered and appropriate decision shall be taken at the earliest.
4. Given the said submission by the counsel for the parties, the writ petition, at this juncture, stands disposed of directing the respondents to take an appropriate decision on the aspect whether the services of the petitioner need continuation of suspension or not in the light of the judgment of the Hon'ble Supreme Court in the case of Ajay Kumar Choudhary (supra), at the earliest preferably within a period of 60 days from the date of receipt of copy of this order.
5. The writ petition accordingly stands disposed of.

**Sd/-
P. Sam Koshy
Judge**