

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 858 of 2021**

1. Goverdhan Lal Sahu Son Of Late Shri Jhumuklal Sahu Aged About 53 Years Resident Of Village Motipur, P.S. Kumhari, Tahsil And District Durg (Chhattisgarh) **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Collector, Raipur, District Raipur (Chhattisgarh)
2. Tahsildar Tahsil Raipur, District Raipur (Chhattisgarh) **----Respondents**

For Petitioner	:	Mr. Santosh Kumar Sahu, along with Mr. Bharat Lal Sahu, Advocates.
For State	:	Mr. Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****26/02/2021**

1. The grievance of the petitioner in the present writ petition is to the prolonged suspension of the petitioner.
2. The petitioner, in the present writ petition on account of being involved in a criminal case while working on the post of Chainman under the respondents, was placed under suspension vide order dated 25.02.2019 and since then, the petitioner continues to remain under suspension.
3. According to the petitioner, the sole ground is that of being implicated in a criminal case and the Department as such has not issued any charge-sheet or has decided to initiate disciplinary proceedings against the petitioner.

4. It is further contended that the criminal case also is progressing at a very slow pace and there is no likelihood of the same being concluded at an early date.
5. According to the petitioner, in the light of judgment of the Hon'ble Supreme Court in the case of *Ajay Kumar Choudhary v. Union of India* {(2015) 7 SSC 291}, the respondents are required to reconsider the imposition of suspension upon the service of the petitioner beyond a period of 90 days which in the instant case now is more than 2 years.
6. The limited request of the petitioner for authorities to reconsider his claim for revocation of suspension, the State Counsel does not have any objection, if the matter is left for the authorities to be decided in accordance with the Rules governing the field and also keeping in view the judgment of the Hon'ble Supreme Court.
7. Given the said submission by the Counsel for the State, the writ petition is disposed of directing the respondents to take a decision in the case of suspension of the petitioner deciding as to whether it is justified in continuing the suspension of the petitioner.
8. In the given facts and circumstances case, more particularly taking note of the observation by the Supreme Court in the case of *Ajay Kumar Choudhary v. Union of India* {(2015) 7 SSC 291} wherein the paragraph-21 of the judgment of the Hon'ble Supreme Court is reproduced here-in-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/charge-sheet is not served on the delinquent officer/employee; if the memorandum of charges/charge-sheet is served, a reasoned order must be passed for the extension of the suspension.

9. Let an appropriate decision be taken by the respondents at the earliest preferably within a period of 60 days from the date of receipt of copy of this order.

10. The writ petition accordingly stands disposed of

Sd/-
(P. Sam Koshy)
Judge

Jyotijha