

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 1009 of 2021

1. Ramkhilawan Dhruv S/o Shri Sukalu Dhruv Aged About 48 Years R/o Village Plansari, P. S. Kunda, District Kabirdham Chhattisgarh Presently R/o Near Manglam Bhavan, P. S. Lormi, District Mungeli Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. Deputy Registrar Cooperative Societies, Bilaspur District Bilaspur Chhattisgarh
3. The Branch Manager District Cooperative Central Bank Limited, Bilaspur District Bilaspur Chhattisgarh
4. Collector And Prescribed Officer District Cooperative Central Bank Limited, Bilaspur District Bilaspur Chhattisgarh

---Respondents

For Petitioner	:	Shri Praveen Das, Advocate.
For State	:	Shri Avinash Singh, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.03.2021

1. The grievance in the present writ petition is the prolonged suspension of the petitioner on account of being implicated in a criminal case.
2. According to the petitioner, the petitioner was placed under suspension on 05.12.2013 on account of his getting involved in a criminal case for the offence punishable u/s 409 of I.P.C. The petitioner was initially arrested and subsequently he got a bail on 17.10.2017. Meanwhile, the petitioner was continued under suspension.
3. The contention of the petitioner is that the respondents-employer have till date not taken any further decision so far as service of the petitioner is concerned and he continues to remain under suspension.

4. According to the petitioner, the criminal case in which he was prosecuted i.e. Criminal Case No. 63/2014 resulted in the acquittal of the petitioner vide judgment dated 17.03.2020. After the judgment of acquittal, the petitioner appeared before the respondents seeking revocation of the suspension and he be taken back in service, however till date there is no further development.
5. The counsel for the petitioner submits that the Department has neither issued a charge-sheet nor has they initiated any disciplinary proceedings against the petitioner for any alleged misconduct so as to continue the suspension any further after the acquittal in the criminal case.
6. Given the said submission by the Counsel for the Petitioner, the writ petition at this juncture is disposed of directing the respondents No. 2 to 4 to take immediate steps in ensuring that the case of the petitioner in the light of the judgment of acquittal dated 17.03.2020 be considered particularly in-respect-of the suspension of the petitioner who stands suspended from service from 05.12.2013 onwards. Even otherwise the suspension since it has exceeded more than 90 days needs reconsideration in the light of the judgment of the Supreme Court in the case of Ajay Kumar Choudhary v. Union of India {(2015) 7 SSC 291}.
7. Let an appropriate decision be taken by the respondents No. 2 to 4 within an outer limit of 60 days from the date of receipt of copy of this order.
8. The writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge