

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 1107 of 2021

1. Rakesh Kumar Sinha S/o Sitaram Sinha Aged About 33 Years R/o Village- Amlidih, Police Station And Tehsil- Pithoura, District- Mahasamund, Chhattisgarh
--- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Panchayat, New Raipur, District- Raipur, Chhattisgarh.
2. Chief Executive Officer Janpath Panchayat Bagbahara, District- Mahasamund, Chhattisgarh.
3. District Education Officer Mahasamund, District- Mahasamund, Chhattisgarh.
4. Block Education Officer Pithoura District- Mahasamund, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Awadh Tripathi, Advocate.
For State	:	Ms. Akanksha Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22.03.2021

1. The grievance of the petitioner in the present writ petition is to the prolonged suspension of service of the petitioner.
2. According to counsel for the petitioner, the petitioner working on the post of Shiksha Karmi Grade-III, has been placed under suspension vide order dated 20.01.2020. According to the petitioner, it is more than fourteen months now but till date the petitioner continues under suspension. According to him, the Department has not initiated departmental proceedings and he continues under suspension only on account of being implicated in a criminal case for the offence punishable u/s 420 & 120(B) of I.P.C.
3. Counsel for the petitioner refers to the circular of the State Government Annexure P/3 dated 02.07.2012 whereby it was a policy decision of the State to reconsider all those cases where employees are under suspension for a period of one year. In the instant case, the period of suspension has exceeded more than one year by now. The counsel for the petitioner further submits that, even otherwise in terms of the judgment of the supreme Court in the case of Ajay

Kumar Choudhary v. Union of India {(2015) 7 SSC 291}, the claim of the petitioner for revocation of suspension needs reconsideration by the authorities considering the long duration of time that has lapsed after the petitioner was placed under suspension.

4. The State counsel on perusal of the pleadings of the writ petition submits that the respondent-authorities be directed to reconsider the case of the petitioner both in the light of the circular dated 02.07.2012 and the judgment of the Hon'ble Supreme Court in the case of Ajay Kumar Choudhary supra.
5. Having heard the contentions put forth on either side and taking into consideration the aforesaid circular dated 02.07.2012 also taking note of the observation of the Hon'ble Supreme Court in the case of Ajay Kumar Choudhar(supra), at this juncture, the writ petition is disposed of directing the authority who has placed the petitioner under suspension to reconsider the case of the petitioner and decide whether there is any necessity in continuing with the suspension of the petitioner or not.
6. Let a decision be taken at the earliest preferably within a period of 45 days from the date of receipt of copy of this order.
7. Accordingly the writ petition is disposed of.

Sd/-
(P. Sam Koshy)
Judge

Jyotijha