

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1118 of 2021**

Surendra Kumar Bansal S/o Late Shri T.R. Bansal, Aged About 52 Years
R/o Junior MIG 108, Block No.2, New Rajendra Nagar, Raipur, Police
Station - Civil Line, Tahsil And District Raipur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, General Administration, Department Mantralaya, Mahanadi Bhawan Police Station And Post - Rakhi, Atal Nagar New Raipur, District Raipur Chhattisgarh
2. Deputy Inspector General Of Police, (DIGP) State Economic Offence Wing / Anti Corruption Bureau, Telibandha Raipur, District Raipur Chhattisgarh
3. Superintendent Of Police (Sp) Office Of Superintendent Of Police, (Sp) Anti Corruption Bureau Near Rajbhawan, Civil Line, Raipur District - Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Abhishek Pandey, Advocate
For State	:	Ms. Shreshtha Gupta, PL

Hon'ble Shri Justice P. Sam Koshy
Order on Board

24/02/2021

1. The grievance of the petitioner in the present writ petition is the prolonged suspension of the petitioner for more than 2 ½ years.
2. According to the petitioner on account of petitioner getting implicated in a criminal case the services of the petitioner was placed under suspension on 09.07.2018 and since then petitioner till date is under suspension for more than 2 ½ years have passed.

According to the petitioner in terms of the judgment of the Supreme Court in the case of **“Ajay Kumar Choudhary v. Union of India, through its Secretary & Another” (2015) 7 SCC 291** the petitioner needs to be considered as he has remained under suspension for a considerable period of time.

3. State counsel at this juncture submits that upon petitioner making a suitable representation the same shall be considered in accordance with law at the earliest.
4. Given the said submissions by the State counsel, the writ petition at this juncture stands disposed of directing the petitioner to file suitable representation before respondent no.3 who turn shall consider the case of the petitioner in accordance with the observations made by the Supreme Court in the case of Ajay Kumar Choudhary(Supra) wherein in paragraph 21 the Hon'ble Supreme Court has mentioned as 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/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.”

5. Let respondent no.3 take an appropriate decision within a period of 45 days from the date of receipt of copy of representation from the petitioner.
6. With the aforesaid observations the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit