

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 1156 of 2021

1. Devendra Kumar Kurrey S/o Bhajoram Kurrey Aged About 38 Years Occupation Service, Suspended Transport Constable, District Transport Office Raigarh, District Raigarh Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Principal Secretary Transport Department, Mahanadi Bhawan New Raipur Chhattisgarh.
2. The Transport Commissioner Chhattisgarh C Block, Indrawati Bhawan Atal Nagar, New Raipur District Raipur Chhattisgarh.
3. The Additional Transport Commissioner Chhattisgarh Raipur, C Block, Indrawati Bhawan Atal Nagar, New Raipur District Raipur Chhattisgarh.
4. The District Transport Officer, Raigarh District Raigarh Chhattisgarh.

---Respondents

For Petitioner	:	Shri Abhishek Pandey, Advocate.
For Respondent State	:	Shri Sudeep Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19.03.2021

1. The grievance of the petitioner in the present writ petition is prolong suspension without any justified reasons.
2. According to the petitioner, he was placed under suspension on 04.03.2020 on account of certain alleged misconduct committed by the petitioner. According to him, the suspension ought to have been revoked only on the ground of charges itself was framed beyond the period of 45 days. Moreover, that it has been more than 90 days, the order of suspension needs reconsideration in the light of the judgment of Supreme Court in case of Ajay Kumar Choudhary Vs. Union of India, through its Secretary & Another, 2015(7)SCC291.
3. The major contention now is that even in the enquiry which was conducted, the finding which has been given is that the charges have not been proved against the petitioner and the authorities have decided to

drop the disciplinary proceedings against the petitioner. The report was given on 07.10.2020.

4. Given the said facts, the writ petition at this juncture stands disposed of directing the respondents No.2 to 4 to take an appropriate decision so far as the suspension of the petitioner is concerned at the earliest preferably within a period of 45 days from the date of receipt of copy of this order.

Sd/-
(P. Sam Koshy)
Judge

inder