

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1493 of 2020**

Suraj Prasad Auchagalle S/o Shri P.R. Auchagalle, Aged About 51 Years, R/o Village Sontarai, Post Devgarh, Tahsil And Police Station Sitapur, District Surguja, Chhattisgarh

---- Petitioner

Versus

1. General Manager (Administration) Chhattisgarh Rajya Gramin Bank Mahadev Ghat Road, Sundar Nagar, Raipur, District Raipur, Chhattisgarh
2. Area Manager, Chhattisgarh Rajya Gramin Bank, School Road, Baikunthpur, District Korea, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Abhishek Pandey, Advocate
For Respondents	:	Mr. N. Naha Roy, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****25.01.2021**

1. The grievance of the petitioner in the present writ petition is that the petitioner now has remained under suspension for more than 2 years and in the light of the judgment of the Supreme Court in the case of **Ajay Kumar Choudhary v. Union of India** through its Secretary and Anr. reported in **(2015) 7 SCC 291**, the case of the petitioner needs reconsideration as to whether the petitioner's suspension has to be revoked or not and whether there is any necessity in keeping the petitioner under prolonged suspension.

2. The Hon'ble Supreme Court in the case of Ajay Kumar Choudhary (supra) in para-21 has held as under:

“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. As, in the case in hand, the Government is free to transfer the person concerned to any department in any of its officers 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 the 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.”

3. Without expressing any opinion on the merits of the case, the writ petition stands disposed of with a direction to the petitioner to make a fresh representation in addition to the representation that he has already made, to the respondents within a period of 15 days from today and the respondents in turn are directed to take a decision taking into consideration the observations made by the Hon'ble Supreme Court in the case of Ajay Kumar Choudhary (supra) within a further period of 45

days from the date of receipt of fresh representation of the petitioner.

4. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
P. Sam Koshy
Judge