

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2212 of 2021**

Punnilal Aditya S/o Shri Set Ram Aditya, Aged About 42 Years, Working As Ayurvedic Pharmacist At Primary Health Center, Bhedwan, Tahsil- Sarangarh, District Raigarh, Chhattisgarh. R/o Village Jashpur (Kachhar), Tahsil- Sarangarh, District Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh
2. Director, AYUSH, DKS Bhawan Parisar, Old Nurses Hostel, Raipur Chhattisgarh 492001
3. District Ayurvedic Officer, Bilaspur, O/o District Ayurvedic Officer, Bilaspur, Chhattisgarh
4. District Ayurvedic Officer Raigarh, O/o District Ayurvedic Officer, Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Vaibhav Shukla, Advocate
For State	:	Mr. Aditya Bhardwaj, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****05.04.2021**

1. The limited grievance of the petitioner in the present writ petition is the prolonged period of suspension w.e.f. 06.05.2018.
2. According to the petitioner, working on the post of Ayurvedic Pharmacist the petitioner has been placed under suspension w.e.f. 06.05.2018 vide order dated 24.05.2018. The petitioner has been suspended on account of his implication in a criminal case in Crime No.

98/2018 registered at Police Station Sarangarh, District Raigarh for the offence punishable under Section 420 of IPC. Referring to the judgment of the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary v. Union of India through its Secretary and Anr.** reported in **(2015) 7 SCC 291** learned counsel for the petitioner submits that beyond the period of 90 days, the authorities are supposed to reconsider the issue whether the service of the petitioner needs to be continued under suspension or not. He submits that in the instant case, no such decision has till date been taken by the authorities concerned.

3. Given the said facts and circumstances of the case, the writ petition at this juncture stands disposed of directing the respondent no.2 to consider the case of the petitioner in the light of the judgment of the Supreme Court in the case of Ajay Kumar Choudhary (supra) and take a decision as to whether the service of the petitioner needs to be continued under suspension or not.
4. According to the petitioner, the criminal case is progressing at a very slow pace and by now even the charge sheet has not been framed. This aspect would also be borne by the authorities in mind while considering the case of the petitioner.
5. Let a decision be taken by the respondent no.2 at the earliest preferably within a period of 45 days from the date of receipt of copy of this order.
6. The writ petition accordingly stands disposed of.

Sd/-
P. Sam Koshy
Judge