

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2471 of 2021**

1. Vijay Kharra S/o Late Nathuram Aged About 55 Years Posted As Assistant Grade 2 (Now Suspended), Office Of Superintending Engineer (E/m) Circle, Chhattisgarh State Electricity Distribution Company Limited, Raigarh ---- **Petitioner**

Versus

1. Chhattisgarh State Electricity Distribution Company Limited Through Its Managing Director, Chhattisgarh State Electricity Distribution Company Limited, Dagania, District Raipur Chhattisgarh.
2. The Executive Director Chhattisgarh State Electricity Distribution Company Limited, Bilaspur Chhattisgarh.
3. The Superintending Engineer (E/M) Circle Chhattisgarh State Electricity Distribution Company Limited Raigarh, District Raigarh Chhattisgarh. ----**Respondents**

For Petitioner	:	Shri Anil S. Pandey, Advocate.
For State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****17.06.2021**

1. Aggrieved by the prolonged suspension of the petitioner, the present writ petition has been filed.
2. The contentions of the counsel for the petitioner is that the petitioner was placed under suspension vide order dated 27.09.2014 i.e. almost seven years back and till date, he continues under suspension. It is the contention of the petitioner that though subsequently there has been a charge-sheet issued by the department as early as on 26.10.2015 but till date the departmental enquiry has not been concluded, though more than six years have passed from the date of issuance of the charge-sheet.

3. Counsel for the petitioner submits that in the light of the judgment of the Hon'ble Supreme Court in the case of ***Ajay Kumar Choudhary v. Union of India (2015) 7 SSC 291***, it is now incumbent upon the respondents to have reconsidered the order of suspension and should have decided whether the order of suspension deserves to be interfered with or not.
4. Having heard the contention put forth by the Counsel for the petitioner considering the fact that it is more than seven years that the petitioner has been placed under suspension.
5. It would be relevant at this juncture to refer to the judgment of the Hon'ble Supreme Court in the case of ***Ajay Kumar Choudhary v. Union of India*** where Hon'ble Supreme Court in paragraph -21 has held 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/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."
6. Given the said facts, at this juncture the present writ petition is disposed of directing the respondents No. 2 & 3 to take an appropriate decision keeping in view the judgment of the Hon'ble Supreme Court in the case of ***Ajay Kumar Choudhary*** (supra) and decide as to whether the petitioner needs to be continued under suspension or not. Let an appropriate be taken in this regard by the respondents No. 2 & 3 within a period of 60 from the date of receipt of copy of this order.
7. The writ petition accordingly stands disposed of.

Sd/-

P. Sam Koshy
Judge