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**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 2644 of 2021**

Lokesh @ Lokeshwar Prasad Dewangan S/o Shri Bhuneshwar Prasad Dewangan Aged About 31 Years Occupation Suspended Assistant Grade III, Government I.T.I. Kawardha, District Kabirdham , R/o Krishna Vihar Colony, Teachers Colony, Road No. 4, Kawardha, District Kabirdham Chhattisgarh.

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Employment And Training, Mahanadi Bhawan, Mantralaya Capital Complex, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
2. The Director Employment And Training Directorate, Indrawati Bhawan, Block 4, First Floor , Nawa Raipur, Atal Nagar, Raipur , District Raipur Chhattisgarh.
3. The Joint Director (Training) Industrial Training Institutes , Regional Office Durg Division At Women's I.T.I. Campus , Bhilai , District Durg Chhattisgarh.
4. The Principal Government Industrial Training Institute, Kawardha, District Kabirdham Chhattisgarh

**----Respondents**


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| For Petitioner | : | Mr. Dharmesh Shrivastava, Advocate |
| For State      | : | Mr. Rahul Jha, Govt. Advocate      |

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**Hon'ble Shri Justice P. Sam Koshy****Order on Board****30/06/2021**

1. Aggrieved of the long suspension period, the present writ petition has been filed.

2. The petitioner who was working under the respondents on the post of Assistant Grade-III was placed under suspension vide order dated 29.06.2019. The suspension was on account of the petitioner getting implicated in a criminal case and where he had been arrested and undergone custody for a period of more than 48 hours. According to the petitioner, it is more than two years now that the petitioner is under suspension and keeping in view the judgment of the Hon'ble Supreme Court in the case of **“Ajay Kumar Choudhary v. Union of India, through its Secretary & Another” (2015) 7 SCC 291**, the respondent authorities are liable to be reconsidered and the decision as to whether the petitioner needs to be continued under suspension or not. The petitioner further contended that the Department as such has not till date initiated any disciplinary proceedings against the petitioner.
3. Learned State counsel on the other hand referring to a document enclosed along with the writ petition dated 13.03.2020 submits that the authorities have decided to consider the claim of the petitioner for suspension being revoked after the conclusion of the criminal case. However, perusal of the said document dated 13.03.2020, it does not reflect any reasons to be provided why the petitioner cannot be taken back in service or suspension should not be revoked or and in what manner it would be detrimental to the Department in case if his suspension is revoked and he is taken back in service. The order dated 13.03.2020 also does not seem to be in the light of the judgment of the Hon'ble Supreme Court in the case of **“Ajay Kumar Choudhary”** (supra).

4. According to the learned counsel for the petitioner, the criminal case is progressing at a very slow pace in as much as it is only at the stage of committal and it would take a considerable period of time for the conclusion of the criminal case, particularly taking into consideration the pandemic situation that is prevailing that the Courts are not functioning smoothly, as it was in the past before the pandemic.
5. All said and done, undoubtedly the petitioner has remained under suspension for a period of more than two years. Admittedly the Department has till date not issued any charge-sheet and the criminal case if the contention of the petitioner is to be believed is only at the stage of committal. Substantial proceedings is yet to be taken in the trial.
6. Under the circumstances, the respondent authorities ought to have considered as to whether the services of the petitioner has to be taken back or not after revoking the suspension order and while deciding the same the authority would also have to take note of as to whether in the event of revocation of the suspension whether any prejudice to the interest of the petitioner would be caused or not. The Hon'ble Supreme Court also in the case of **“Ajay Kumar Choudhary”** (supra) 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.”**
7. In view of the same, the writ petition at this juncture stands disposed of directing the respondents to take a fresh consideration on the claim of the petitioner seeking revocation of suspension

keeping in view of the judgment of the Hon'ble Supreme Court in the case of “**Ajay Kumar Choudhary**” (supra), Let an appropriate decision be taken in this regard at the earliest preferably within a period of 60 days from the date of receipt of the copy of this order.

8. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-  
**(P. Sam Koshy)**  
Judge

Ved