

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Writ Petition (S) No. 3489 of 2021**

1. Dharmveer Singh Dhruw S/o Shri M.R. Dhruw Aged About 38 Years  
Suspended Drug Inspector, Office of Deputy Director Food and Drugs  
Administration Bilaspur, District- Bilaspur, Chhattisgarh.

**---Petitioner(s)**

**Versus**

1. State of Chhattisgarh Through The Principal Secretary Health And Family  
Welfare Department, Mahanadi Bhawan, New Raipur, District-Raipur,  
Chhattisgarh
2. The Controller Food and Drugs Administration, New Raipur, Chhattisgarh
3. The Deputy Director Food and Drugs Administration, Bilaspur, District-  
Bilaspur, Chhattisgarh

**---Respondents**

|                      |   |                                 |
|----------------------|---|---------------------------------|
| For Petitioner       | : | Shri Abhishek Pandey, Advocate. |
| For Respondent State | : | Shri Ishan Verma, Panel Lawyer. |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**12.07.2021**

1. The grievance of the petitioner in the present writ petition is prolong  
suspension which the petitioner is facing.
2. According to counsel for the petitioner, the petitioner working on the post  
of Drug Inspector was placed under suspension contemplating  
departmental proceeding vide order dated 04.03.2020. Though more than  
15 months time has passed since the petitioner has been placed under  
suspension, the departmental enquiry initiated against the petitioner is  
progressing at a very slow pace inasmuch as till now only one witness has  
been examined. According to the petitioner, in the light of judgment of  
Supreme Court in case of Ajay Kumar Choudhary Vs. Union of India  
through its Secretary and Another, 2015 (7)SCC 291 the respondent  
authorities, after a period of 90 days from initial date of suspension was  
required to reconsider and decide whether the suspension of the petitioner  
needs revocation or it should be continued.

3. Per contra, state counsel opposing the petition submits that the petitioner was served with a charge sheet on 27.02.2020 and perusal of the charges levelled against the petitioner would clearly reflect that the allegations against the petitioner are of serious nature. It is the further contention of the state counsel that after the charge sheet was issued for last about more than 1 and  $\frac{1}{2}$  years because of Covid-19 pandemic the departmental inquiry could not be progressed and that is the reason for the delay in conclusion of the departmental inquiry.
4. Be that as it may, it is relevant at this juncture to refer to the judgment of the Hon'ble Supreme Court in the case of Ajay Kumar Choudhary (supra) where the 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. 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.”

5. The plain perusal of the aforesaid observation and direction of the Hon’ble Supreme Court it becomes incumbent upon every employer under whom an employee is placed under suspension to reconsider the order of suspension beyond a period of 90 days and to consider whether the order of suspension has to be revoked or it has to be continued.
6. Given the said observation of the Hon’ble Supreme Court, the present writ petition stands disposed of directing the respondent no.1 to take an appropriate decision reconsidering the aspect as to whether in the given facts the order of suspension of the petitioner deserves reconsideration and whether the order of suspension needs to be revoked or not.
7. Let respondent no.1 take an appropriate decision in this regard at the earliest preferably within a period of 60 days from the date of receipt of copy of this order.
8. With the aforesaid observation and direction, the writ petition stands disposed of.

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