

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3638 of 2021

1. Ankita Singh D/o Shri L.S. Kanwar Aged About 36 Years Posted As Siksha Karmi, Grade III, Primary School Pasid, Block Bilha, District - Bilaspur

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhawan, Nava Raipur Atal Nagar, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. District Education Officer Bilaspur, District Bilaspur, Chhattisgarh.
3. Chief Executive Officer Janpad, Bilha, District Bilaspur, Chhattisgarh.
4. Block Education Officer Bilha, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	: Shri Harshmander Rastogi, Advocate.
For State	: Shri Suyash Dhar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/07/2021

1. The petitioner in the present writ petition is aggrieved of the inaction on the part of the respondents in not reconsidering the claim of the petitioner for being taken back in service after revocation of the suspension.
2. The brief facts necessary for disposal of this case are that the petitioner was working as a Shiksha Karmi-III under the respondents. For an alleged Act of unauthorized absence for a considerable period of time, the service of the petitioner was placed under suspension vide the order dated 29.02.2016 in-spite of more than 5 years having been passed, the petitioner remains to continue under suspension.

3. According to the Counsel for the petitioner, in between, the respondents had revoked the order of suspension vide order dated 08.03.2019, however the said order has been cancelled in March 2019 itself, thereafter, the petitioner remains under suspension.
4. It is the contention of the petitioner that in-spite of more than five years having been passed, the petitioner till date has not been served with any charge-sheet and for this reason also, the petitioner needs to be taken back in service.
5. It is the further contention of the petitioner 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***, the authorities are required to reconsider the issue whether the petitioners suspension needs revocation or not.
6. Given the entire facts and circumstances of the case, particularly taking note of the judgment given by the Supreme Court in the case of Ajay Kumar Choudhary (Supra), the present writ petition is at this juncture disposed of directing the Respondent No. 3 to immediately reconsider the aspect as to whether the petitioner's suspension needs to be revoked or not, keeping in view the fact that though more than five years have lapsed, he has not been served with a charge-sheet.
7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge