

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) No. 3694 of 2021**

- Tarun Kumar, S/o Amrit Lal, aged about 35 years, presently working as Clerk/Computer Operator, Beral District Durg (now District Bemetara). R/o House No.31, Sankar Vihar, Kurud, near Rungta College of Engineering, Durg, District Durg (CG)

... Petitioner**versus**

1. The State of Chhattisgarh, through Secretary Department of Cooperative Society, Mantralaya, Mahanadi at Raipur (CG)
2. The Collector, Durg (CG)
3. The Collector, Bemetara, District Bemetara (CG)
4. Deputy Registrar, Sahkari Cooperative Society, Bemetara (CG)
5. The Chief Executive Officer, Zila Sahkari Kendriya Bank, Durg (CG)
6. The Chief Executive Officer, Zila Sahkari Kendriya Bank, Bemetara (CG)

... Respondents

For Petitioner	:	Mr. Arvind Kumar Dubey, Advocate.
For Respondents 1 to 4	:	Mr. Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****27/07/2021**

1. Petitioner has filed the present Writ Petition being aggrieved of his prolonged suspension.
2. Petitioner was placed under suspension vide Order dated 27.9.2019. Subsequently, a charge-sheet was issued on 16.10.2019 to which he has given his reply on 6.11.2019. However, thereafter there has been no any substantial progress in the Departmental Enquiry and the Petitioner continues to remain under suspension for almost two years.
3. At this juncture, it would be relevant to take note of the directions given by the Hon'ble Supreme Court in the case of "Ajay Kumar Choudhary Vs. Union of India & Anr.", 2015 (7) SCC 291, where in paragraph 21 it has been 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/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet 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 concerned person to any Department in any of its offices 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 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.”

4. Given the aforesaid directions of the Hon'ble Supreme Court, the present Writ Petition at this juncture is disposed of directing Respondent No.5 to take appropriate decision in the light of the observations made by the Hon'ble Supreme Court in the case of “Ajay Kumar Choudhary” (supra). The direction is also issued by this Court taking into consideration the fact that beyond the period of filing of reply to the charge-sheet, according to Petitioner, there has been no any further progress in the Departmental Enquiry.

5. With the aforesaid direction/observation, the Writ Petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge