

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3945 of 2021**

Ram Mohan Dubey S/o Shri Surendra Kumar Dubey, Aged About 47 Years, Than Posted As Sub - Engineer, Public Works Department, R/o Mini Hostel, Bhagwa Mandir, Sarkanda, Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Public Work Department, Mahanadi Bhawan, Atal Nagar, District Raipur, Chhattisgarh
2. Engineer - In - Chief, Public Works Department, North Block, Sector-19, Nirman Bhawan, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh
3. Chief Engineer, Public Works Department, Bilaspur Jurisdiction / Surguja Jurisdiction, Ambikapur, Chhattisgarh
4. Superintendent Engineer, Public Works Department, Bilaspur Division / Ambikapur Division, Bilaspur. Chhattisgarh
5. Executive Engineer, Public Works Department, Division -I Bilaspur, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ashutosh Trivedi, Advocate
For State	:	Mr. Ishan Verma, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****02.08.2021**

1. The present writ petition has been filed on the ground of prolonged suspension of the petitioner from service.
2. According to the petitioner, he was placed under suspension vide order dated 01.02.2021. The ground of suspension is the petitioner

getting arrested in a criminal case for the offence punishable under Sections 13(1)B & 13 (2) of the Prevention of Corruption Act. For the said reason the petitioner was issued with an order of suspension on 01.02.2021 giving effect to the order of suspension w.e.f. 13.01.2021.

3. Learned counsel for petitioner submits that since the petitioner is under suspension for more than 90 days, in terms of the order of the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary v. Union of India through its Secretary and Anr.** reported in **(2015) 7 SCC 291** the authorities are required to reconsider the order of suspension and decide whether the suspension has to be revoked or not. According to the counsel for petitioner, the criminal case as of now is progressing at a very slow pace and it will take a considerable long time for conclusion of the said proceedings particularly taking note of the pandemic situation prevailing.
4. Learned State counsel, on the other hand, submits that since the petitioner has been placed under suspension for having been implicated in a criminal case under the Prevention of Corruption Act, it would not be advisable for revocation of the order of suspension as of now.
5. Be that as it may, since the requirement of law in terms of the judgment of the Hon'ble Supreme Court in the case of Ajay Kumar Choudhary (supra) is to reconsider the suspension of all those persons who are under suspension for a period beyond 90 days, the present writ petition also deserves to be allowed and disposed of to that extent directing the respondent no.2 to take a fresh decision reconsidering the question of suspension of the petitioner. While reconsidering the same, the authority will keep in view the judgment of

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 a copy of this order.

6. The writ petition accordingly stands disposed of.

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