

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3806 of 2021

1. Rajesh Chhatri S/o Shri Prahlad Chhatri Aged About 36 Years Working As Assistant Drug Controller (Suspended), Attached To The Office Of Deputy Director, Food And Drug Administration, Mungeli, District Mungeli, Chhattisgarh, Permanent R/o Flat No. A/202, Parwati Tower, Sarkanda, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through - The Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh.
2. Controller Food And Drugs Administration, Chhattisgarh, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh.

----Respondents

For Petitioners	: Shri Shashank Thakur, Advocate.
For State	: Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26/07/2021

1. Aggrieved by the prolonged placement under suspension of the petitioner, the present writ petition has been filed.
2. According to the counsel for the petitioner, working on the post of Assistant Drug Controller (Class -II), the petitioner has been suspended w.e.f. 13.03.2020. Though about 15-16 months have lapsed, the disciplinary proceedings contemplated against the petitioner has not been concluded rather it has not progressed substantially after issuance of the charge-sheet.
3. The grievance of the petitioner is that on one hand the petitioner has been placed under suspension for a period of about one and half year and at the same time the departmental enquiry is not progressing at all. This can have an adverse effect on the career of

the petitioner. Counsel for the petitioner submits that the petitioner through the present writ petition seeks for an appropriate direction to the respondents to reconsider the case of the petitioner so far as continuing him under suspension is concerned.

4. Counsel for the petitioner relies upon the judgment of the Hon'ble Supreme Court in the case **Ajay Kumar Choudhary Versus Union of India** reported in 2015 (7) SCC 291 for ventilating his grievance and in support of his contentions.
5. Given the aforesaid factual matrix of the case, undoubtedly the petitioner seems to be placed under suspension for last about one and a half year. If the petitioner is to be believed except for issuance of charge-sheet, there has been no further progress in the departmental enquiry.
6. At this juncture, it becomes relevant to take note of the observations of the Hon'ble Supreme Court in the case of Ajay Kumar Choudhary (supra) wherein paragraph 21 of the Hon'ble Supreme Court 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 offices within or outside the State so as to sever any local or personal contract 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.

7. Given the aforesaid legal position as it stands in the light of the judgment of the Hon'ble Supreme Court in the case of Ajay Kumar Choudhary (supra), the present writ petition at this juncture is disposed of directing the respondent-authorities who has placed the petitioner under suspension to immediately reconsider and decide as to whether the petitioner's services needs to be continued under suspension or not, keeping in view the aforesaid judgment of the Hon'ble Supreme Court. Let an appropriate decision be taken by the respondent No. 1 in this regard at the earliest preferably within a period of 45 days from the date of receipt of copy of this order.
8. The Writ Petition is disposed of accordingly.

Sd/-
(P. Sam Koshy)
Judge