

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4385 of 2021

1. Krishano Prasad Kurre S/o Late Shri Umathu Ram Kurre Aged About 47 Years (Scheduled Caste), R/o Bansuladipa, Basna, District Mahasamund Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Principal Secretary, Panchayat and Rural Development Department Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.
2. The Collector, Mahasamund, District Mahasamund Chhattisgarh.

---Respondents

For Petitioner	:	Shri TK Jha, Advocate.
For State	:	Ms. Binu Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23.08.2021

1. The present is a second round of litigation. The earlier round of litigation was WPS No.1649 of 2021. The petitioner seems to be aggrieved of the prolonged suspension.
2. The petitioner in the present writ petition was placed under suspension vide order dated 16.02.2021 passed by the Collector, District Mahasamund. The petitioner substantively is an employee under Rural Engineering Services Department working and posted under the Panchayat Department. For certain illegalities and alleged irregularities the petitioner was placed under suspension vide order passed by the District Collector on 16.02.2021. The petitioner preferred first round of litigation by WPS No.1649 of 2021. The said writ petition got disposed of permitting the petitioner to prefer an appeal before the appellate authority and also had directed the respondents to proceed against the petitioner in accordance with law after issuance of a charge sheet.
3. The petitioner by filing present writ petition now submits that it is a case where though more than six months have passed, no charge sheet till date

has been issued to the petitioner either by his employer or from the office of the District Collector who had placed him under suspension. It is further contention of the petitioner that since it is more than six months now that he has remained under suspension, in view of judgment of Supreme Court in Ajay Kumar Choudhary Vs. Union of India & Another, 2015(7)SCC291 the authority needs to revisit the order of suspension which is in operation beyond the period of 90 days, which in the instant case has crossed over six months.

4. Given the said facts and circumstances of the case, the writ petition at this juncture stands disposed of directing the respondent No.2 i.e. the authority who has placed the petitioner under suspension to reconsider the aspect whether the petitioner is required to be continued suspension or not in terms of the judgment of the Supreme Court in case of Ajay Kumar Choudhary (Supra). Therefore, let the respondent No.2 take an appropriate decision at the earliest preferably within a period of 45 days from the date of receipt of copy of this order.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge