

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4565 of 2021

I.D. Khalkho S/o Late Nirdhosh Khalkho Aged About 55 Years R/o Ward
No.11, Patpariya Colony, Ambikapur, District Surguja, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education
Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur,
District Raipur, Chhattisgarh
2. Under Secretary State Of Chhattisgarh, School Education Department,
Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur,
Chhattisgarh
3. Joint Director Public Education, Division Surguja, Ambikapur, District
Surguja, Chhattisgarh
4. District Education Officer District Jashpur, District Jashpur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Vivek Singhal, Advocate.
For State	:	Mr. Jitendra Pali, Dy. AG

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01/09/2021

1. Present writ petition has been preferred only on account of prolonged
suspension of the petitioner.
2. The petitioner in the present writ petition was working on the post of
Principal, Government Boys Higher Secondary School, Bagicha, District

Jashpur. The services of the petitioner was placed under suspension vide order dated 01.06.2020. Subsequent to the petitioner being placed under suspension, he was served upon with a charge sheet on 16.07.2020. Subsequently, there has been no further development on the disciplinary front on the charge sheet that was issued on 16.07.2020. According to the petitioner it is now more than 14 months that petitioner stands under suspension. According to the judgment of the Hon'ble Supreme Court in the case of **“Ajay Kumar Choudhary v. Union of India, through its Secretary & Another” (2015) 7 SCC 291**, all the Disciplinary Authorities are required to reconsider the order of suspension in every case where the order of suspension exceeds beyond a period of 90 days.

3. In the instant case, for a period of well over one year the petitioner's disciplinary proceedings had not progressed except for the issuance of the charge sheet.
4. Given the said facts and circumstances of the case, particularly, taking note of the judgment of the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary(Supra)** the present writ petition as of now stands disposed of directing the respondent no.1 to reconsider the case of the petitioner so far as whether the order of suspension needs to be continued or whether it would be more in the interest of the department if the order of suspension is revoked pending the disciplinary proceedings initiated against the petitioner. It does not mean that order of suspension has to be revoked after 90 days, all that the Hon'ble Supreme Court meant was beyond a period of 90 days the Disciplinary Authorities have to reconsider the issue of suspension and decide whether it has to be further continued or not? While deciding, the gravity of the charges leveled against the

petitioner, has to be assessed and also see what would be the impact if the petitioner is permitted to resume his services.

5. Let an appropriate decision be taken by the respondent no.1 in this regard within a period of 60 days from the date of receipt of copy of this order.
6. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Rohit