

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4824 of 2021

Jaiprakash Jaiswal S/o Ramsewak Jaiswal Aged About 34 Years R/o Village Rameshpur, Secretary Gram Panchayat Kamalpur, Janpad Panchayat Wadrafnagar, Tehsil Wadrafnagar, District Balrampur-Ramanujganj Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Gramin Vikas Vibhag, Mantralaya, Mahanadi Bhawan, Capital Complex, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. Commissioner Surguja District Surguja Chhattisgarh
3. Chief Executive Officer Zila Panchayat Balrampur District Balrampur-Ramanujganj Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Vaishali Mahilong, Advocate
For State	:	Mr. Ishan Verma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/09/2021

1. The petitioner is aggrieved by the prolonged suspension that the petitioner has been placed. The petitioner in the instant case was working as a Panchayat Secretary at Gram Panchayat Kamalpur, Janpad Panchayat Wadrafnagar, Tehsil Wadrafnagar, District Balrampur-Ramanujganj Chhattisgarh.
2. The services of the petitioner was placed under suspension on serious allegations of misconduct on 26.09.2020. The departmental appeal preferred by the petitioner to the respondent No.2 is said to be still pending.

3. The present writ petition has been filed seeking for a limited direction to take an appropriate direction in the light of the judgment 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]***.
4. According to the petitioner, for the last more than 11 months the services of the petitioner remains under suspension and the departmental enquiry initiated against the petitioner also is progressing at a very slow pace. Therefore, in the light of the judgment of the Hon'ble Supreme Court in the case of ***“Ajay Kumar Choudhary”*** (supra) an appropriate decision has to be taken at the earliest.
5. To the limited relief that the petitioner seeks for reconsideration on the order of suspension in terms of the judgment of the Hon'ble Supreme Court in the case of ***“Ajay Kumar Choudhary”*** (supra), the State counsel does not oppose. However, the State counsel submits that the departmental enquiry contemplated against the petitioner is in progress the gravity of the charge are all to be seen while deciding the claim of the petitioner.
6. Having heard the contentions put forth on either side and on perusal of record, undoubtedly the petitioner's services remained under suspension for the last 11 months. The departmental proceedings also does not seem to be progressing at a fast pace. The Hon'ble Supreme Court in the case of ***“Ajay Kumar Choudhary”*** (supra) has in paragraph No. 21 categorically held that in every case, where an employee has been placed under suspension and the order of

suspension continues beyond a period of 90 days, the authority who has passed the order of suspension need to reconsider as to whether the order of suspension needs to be continued further or not. An order in this regard has to be passed by the concerned authority, which in the instant case is the respondent No.3 i.e. the authority who has placed the services of the petitioner under suspension.

7. Accordingly, the writ petition at this juncture stands disposed of directing the respondent No.3 to reconsider the order of suspension of the petitioner and to pass a fresh order taking a decision as to whether the services of the petitioner still needs to be kept under suspension or not, and let a decision be taken by a speaking order in this regard at the earliest preferably within a period of 45 days from the date of receipt of the copy of this order.
8. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved