

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5677 of 2021**

1. Dr. M. K. Naik S/o Late Chakradhar Naik Aged About 61 Years
Occupation- In Charge Civil Surgeon Cum Hospital
Superintendent, (Suspended), Dantewada, R/o District Hospital
Dantewada Chhattisgarh **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Health And Family
Welfare Department Mahanadi Bhawan, Atal Nagar, District
Raipur Chhattisgarh
2. Under Secretary Health And Family Welfare Department Mahanadi
Bhawan, Atal Nagar, District Raipur Chhattisgarh
3. Director Directorate Of Health Services, Indravati Bhawan, Naya
Raipur Chhattisgarh **---- Respondents**

For the Petitioner : Shri Alok Kumar Pandey, Advocate.
For the State/Respondents : Shri Jitendra Kumar Pali, Dy. A.G.

Hon'ble Shri Justice Sanjay S.Agrawal
Order on board

18.10.2021

1. By way of this petition filed under Article 226 of the constitution of India, the petitioner is questioning the legality and propriety of the order of suspension dated 15.07.2020 (Annexure P-1) which was passed owing to financial irregularities committed by him.
2. According to the learned counsel for the Petitioner, since more than 90 days period have already been passed, and therefore, order impugned deserves to be quashed which has not been quashed despite filing of representation in this regard. In support, he placed his reliance upon the principle laid down by the Supreme Court in the matter of **Ajay Kumar Choudhary Vs. Union of India Through its Secretary And Anr.**, reported in **(2015) 7 SCC 291**, wherein it has been observed that the disciplinary authorities or the authorities placing the employee under suspension is duty bound to reconsider beyond the period of 90

days so far as the extending period of suspension is concerned. However, while passing the order impugned no decision as such in this regard has been taken by the respondent authorities and therefore, the order impugned deserves to be quashed.

3. Further contention of him is that since the Departmental Inquiry has already been stayed by this Court vide order dated 22.02.2021 in WPS 838/2021, therefore, the order of suspension is required to be quashed.
4. On the other hand, learned counsel appearing for the State has supported the order impugned as passed by the Respondent authorities.
5. Considering the aforesaid contention of the counsel for the parties and considering further the principles laid down by the Apex Court in the matter of **Ajay Kumar Choudhary Vs. Union of India Through its Secretary And Anr.**(supra), let the concerned respondent/authorities take an appropriate decision in respect of the Petitioner's prayer for revocation of his suspension order as made in his representation dated 06.07.2021 as soon as possible, preferably within a period of 45 days from the date of communication/receipt of this order.
6. It is, however, made clear that while disposing of this petition, this Court has not expressed any opinion on merits of the case and the concerned authorities would pass an appropriate order in accordance with law.
7. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(Sanjay S.Agrawal)
JUDGE