

(2018) 09 CHH CK 0042

Chhattisgarh High Court

Case No: Writ Petition (S) No. 5747 Of 2018

Ashish Kumar Gupta

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Sept. 4, 2018

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Ritesh Verma, SP Kale

Final Decision: Disposed Of

Judgement

P. Sam Koshy, J

1. Challenge in this petition is to the charge sheet dated 20.09.2016 and also the prayer for departmental enquiry to be concluded within a reasonable period.

2. Perusal of records would show that vide order dated 25.08.2016 the petitioner was placed under suspension and thereafter charge sheet was issued on 20.09.2016. The petitioner replied to the charge sheet on 30.09.2016 and thereafter there is no further development on the disciplinary proceedings initiated against the petitioner.

3. The petitioner all along has been placed under suspension. The circular of the State Govt. as well as the rules governing the field requires the employer to ensure that the enquiry is concluded within a period of one year, if not, they would consider revocation of the suspension of the employee as the Departmental Enquiry is not being prolonged for any fault on the part of the employer.

4. The Supreme Court also in recent judgment in case of Ajay Kumar Choudhary Vs. Union of India through its Secretary, 2015(7)SCC 291 ,has

specifically directed all the authorities where there is prolong delay of suspension undergoing and departmental enquiry not being concluded for no

fault of the employees to consider revocation of the suspension.

5. Given the aforesaid facts, let the respondents in this case also consider the aspect whether there is any further necessity for keeping the petitioner

under suspension. So far as departmental enquiry is concerned, since there is no development whatsoever for a period of two years from the date the

petitioner had submitted his reply to the charge sheet, the present petition stands disposed of with a direction that the respondents shall make all

endeavors for concluding departmental enquiry within an outer limit of six months from the date of receipt of certified copy of this order, or else,

appropriate order should be passed for dropping the entire departmental enquiry against the petitioner.

6. The writ petition accordingly stands disposed of.