

(2009) 04 CHH CK 0003
In the Chhattisgarh High Court

Ram Ratan Gupta

APPELLANT

Vs

South Eastern Coalfields Ltd., Chief General Manager, Dy.
Chief Personal Manager and Dy. Chief Medical Officer

RESPONDENT

Date of Decision : 22-04-2009

Acts Referred:

Citation : (2009) 04 CHH CK 0003

Hon'ble Judges : Satish K. Agnihotri, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Satish K. Agnihotri, J.—The only ground of challenge in this petition is that the petitioner has been placed under suspension. Charge-sheet was issued to the petitioner on 24.12.2008 (Annexure P/4). The suspension, without assigning any reason is bad in law and requires consideration. Learned Counsel appearing for the petitioner further submits that even if the charge-sheet has been issued, it is not necessary to place an employee under suspension.

2. I have heard learned Counsel appearing for the petitioner, perused the pleadings and documents appended thereto.

3. The law on suspension is very clear that if there is a pending enquiry or contemplation or pending departmental enquiry or criminal proceedings, the petitioner may be placed under suspension. In the case on hand, charge-sheet was issued stating that the petitioner was placed under suspension. There is no infirmity in the order. If there is any deficiency or discrepancy in the charge sheet, the petitioner has full liberty to take the matter before the enquiry officer or before the other competent authority.

4. It is well-settled principle of law that the suspension is temporary and it does not involve punishment with civil consequences. Suspension means a temporary deprivation of the functions not amounting to any reduction of rank or status. The employee under suspension continues to be a Government Servant, he is not

permitted to work keeping in view pendency of departmental enquiry to avoid undue influence in the proceedings of departmental enquiry and likely tampering with on records.

5. The Hon"ble Supreme Court in P.L. Shah v. Union of India and Anr. held that "an order of suspension is not an order imposing punishment on a person found to be guilty. It is an order made against him before he is found guilty to ensure smooth disposal of the proceedings initiated against him."

6. The Hon"ble Supreme Court in Union of India and Ors. v. E.G. Nambudiri observed that "if the statutory rules require communication of reasons, the same must be communicated but in the absence of any such provision absence of communication of reasons do not affect the validity of the order."

7. At this stage it is not necessary to go into the charges levelled against the petitioner because it may prejudice the case of the parties, wherein the respondents have initiated departmental enquiry. Since the charge-sheet has been issued and the disciplinary enquiry is pending consideration, placing the petitioner under suspension is just and proper and needs no interference.

8. For the reasons mentioned hereinabove, the petition is devoid of merit and is accordingly dismissed at the motion stage itself.