
(2014) 01 JH CK 0043
In the Jharkhand High Court
Case No : W.P. (S) No. 1989 of 2013

Rampath Ravidas

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 29-01-2014

Acts Referred:

Citation : (2014) 01 JH CK 0043

Hon'ble Judges : S. Chandrashekhar, J

Bench : Single Bench

Advocate : Chandra Prabha, Advocate for the Appellant; Pankaj Kumar, J.C. to G.P. VI for the State, Advocate for the Respondent

Final Decision : Allowed

Judgement

S. Chandrashekhar, J.—The learned counsel appearing for the petitioner submits that, though a charge-memo was served upon the petitioner and the petitioner was suspended vide order dated 13.07.2009, the departmental proceeding against the petitioner has yet not been concluded. The learned counsel appearing for the petitioner further submits that, though a charge of only unauthorized absence from the duty was framed against the petitioner, the departmental proceeding against the petitioner has been kept pending for the reasons which cannot be justified in law. The learned " counsel appearing for the petitioner further submits that, the petitioner would superannuate "from service in February, 2014. The learned counsel appearing for the petitioner has informed that the enquiry against the petitioner has been completed however, no final order has been passed. She has further submitted that though the charge framed against the petitioner itself is frivolous and non-existent in so far as, the unauthorized absence of the petitioner from duty is concerned, as the petitioner at the relevant time was posted at two different places and therefore, when the inspection was carried out, the petitioner was found absent at the headquarters. The learned counsel appearing for the State of Jharkhand has submitted that, the petitioner did not appear before the enquiry officer and straightway he had

approached this Court by filing the present writ petition.

2. Having appreciated the contentions" advanced by the learned counsel appearing for the parties, I am of the opinion that keeping a person under suspension for long four years would cause immense, physical and psychological harm to the employee. It keeps the person in a state of agony and keeping a person under suspension for a long duration of period is definitely against the object for which a person is kept under suspension. Continuation of departmental proceeding for long four years, cannot justify the suspension of an employee for so many years.

3. In view of the submissions made by the learned counsel for the parties, I am of the view that this writ petition deserves to be allowed. Accordingly, the impugned order dated 13.07.2009 is quashed.