

WP(C) 5724/2013  
BEFORE  
THE HON'BLE MR. JUSTICE B.P. KATAKEY

Heard Mr. Choudhury, learned counsel for the petitioner, Mr. Deka, learned counsel for the respondent No. 1 as well as Mr. Sarma, learned state counsel appearing for the respondent Nos. 2 and 3.

As agreed to by the learned counsel for the parties the writ petition is taken up for disposal at the motion stage itself.

The petitioner who has been put under suspension vide order dated 21.1.2004 by the Director of Employment and Craftsmen Training, Assam pending drawal of disciplinary proceeding has challenged the said order of suspension on the ground that though the departmental proceeding was initiated against him by issuing show cause notice the same has not been completed for the last nine years despite there being no contribution of the petitioner towards delay.

It appears that the petitioner was appointed as Jogali (grade IV) in ITI Srikona and he was placed under suspension vide order dated 21.1.2004 issued by the Director of Employment and Craftsmen Training, Assam.

The show cause notice was thereafter issued to the petitioner on 23.2.2004 asking him to show cause as to why disciplinary proceeding should not be initiated against him mainly on the ground that he was found to be absent on three days i.e. 2.9.2003, 3.9.2003 and 4.9.2003, apart from on 3.10.2003, 5.10.2003, 9.10.2003 and 24.10.2003. Another show cause notice was issued to the petitioner on 5.1.2007 to show cause as to why disciplinary proceeding should not be initiated against him for remaining absent from duty from 12.1.2004 to 21.1.2004. Another allegation is that while he was posted as Jogali at ITI Srikona he had sent representation directly to the Director without routing the same through proper channel. It is surprising why the departmental proceeding initiated against the petitioner, who is Jogali, a grade IV staff, on the aforesaid allegations, is pending for the last more than nine years.

Having regard to the nature of allegation and also the date when the petitioner was placed under suspension, I am of the view that the order of suspension needs to be interfered with.

Hence the order dated 21.1.2004 is set aside. The petitioner is directed to be taken back into service without prejudice to the disciplinary proceeding initiated against the petitioner, which shall be completed within a period of eight months from today.