



CGHC010275832026

2026:CGHC:35873-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 716 of 2026

1 - Bunder Lal Mirdha S/o Late Budhram Mirdha, Aged About 50 Years, Occupation - Government Service, Working as Senior Agriculture Development Officer, Posted at Saraipali, District Mahasamund Chhattisgarh

...Appellant

versus

1 - The State of Chhattisgarh Through the Secretary, Department of Agriculture and Farmers Welfare, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh

2 - The Director of Agriculture and Farmers Welfare Department Block-2, Sector Floor, Indrawati Bhawan, Naya Raipur, Atal Nagar, District Raipur Chhattisgarh

3 - The District Collector, Mahasamund, District Mahasamund Chhattisgarh

4 - Deputy Director Office of the Deputy Director, Department of Agriculture and Farmers Welfare, Near Baronda Chowk, District Mahasamund Chhattisgarh

5 - Mr. Faguram Kashyap, Deputy Director (Agriculture), Department of Agriculture and Farmers Welfare, Near Baronda Chowk, District Mahasamund Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)

For Appellant	:	Mr. Pushpendra Kumar Patel, Advocate.
For State	:	Mr. S.S. Baghel, Govt. Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

13.08.2026

1. The present writ appeal has been filed by the appellant, who was petitioner before the learned Single Judge, against the order dated 25.06.2026 passed by the learned Single Judge in W.P. (S) No. 4744/2026 (Bunder Lal Mirdha Vs. State of Chhattisgarh and others, arising out of the suspension order dated 20.05.2026, passed by the respondent No.03) whereby the learned Single Judge has dismissed the writ petition filed by the appellant /petitioner reserving liberty in favour of the petitioner to avail the appropriate remedy before the competent forum, in accordance with law, if so advised.
2. The facts as mentioned the writ appeal are that, the appellant is an employee of the Department of Agriculture and Farmers Welfare, initially appointed as a Surveyor on 20.05.2005 and subsequently promoted to Agriculture Development Officer and then Senior Agriculture Development Officer, presently posted at Saraipali, District Mahasamund. He claims to be the senior-most Agriculture Development Officer, with about 21 years of satisfactory service and no adverse complaint. Under the Chhattisgarh Subordinate Agriculture Class-III (Non-Ministerial) Services Recruitment Rules,

2010, the Director of Agriculture is stated to be his appointing, controlling and disciplinary authority. However, the District Collector suspended him on 20.05.2026, alleging that he failed to take action against M/s Rajesh Agrawal, Saraipali and M/s Om Fertilizer, Saraipali, for irregular distribution of urea during the inactive crop period from 16.03.2026 to 29.03.2026 and for allegedly disobeying the Collector's directions. The appellant contends that the Collector had neither issued any such direction to him nor possessed the statutory authority to suspend him. According to him, Respondent No. 4 had directed him to lodge FIRs against the concerned firms, pursuant to which he repeatedly approached the police station, sought necessary documents from Respondent No. 4, and also sought information from the firms. The police, however, required documents regarding the declaration of the inactive crop period, which Respondent No. 4 failed to provide despite repeated requests by the appellant. It is further contentions of the appellant that, despite his repeated efforts to comply with the directions and the absence of the requisite documents, respondent No. 4 repeatedly issued reminders and warnings, ultimately resulting in the suspension order dated 20.05.2026 being issued by the District Collector without jurisdiction, without affording an opportunity of hearing, and allegedly due to bias and mala fide intention. The appellant's representation against the suspension was not considered. He therefore challenged the suspension before the Single Bench of

this Court in W.P.(S) No. 4744/2026, but the writ petition was dismissed at the motion stage on 25.06.2026 on the ground that an alternative statutory remedy was available and against the order passed in WP(S) No.4744/2026 the appellant/petitioner has filed the present appeal. Although the appellant thereafter preferred a departmental appeal before the Commissioner, Revenue Division, Raipur, the same was withdrawn on 07.07.2026 to pursue the present writ appeal. The appellant consequently challenges the suspension order as being without authority of law, arbitrary, contrary to the applicable service rules and principles of natural justice, and based on incorrect facts, non-supply of necessary documents, and alleged mala fide conduct of the concerned authorities.

3. Learned counsel for the appellant submits that the learned Single Judge has erred in dismissing the writ petition on the ground of alternative remedy without considering that the case involved a complete lack of jurisdiction and violation of natural justice. It has been further submitted that under Rule 9(1) of the Rules of 1966, the power to suspend lies with the appointing/disciplinary authority or an authority specifically empowered by the Governor. Since the appellant's appointing authority is the Director of Agriculture, the District Collector had no authority to suspend him. The alleged reliance on the 1996 Circular was also disputed, as its applicability to the appellant's cadre was neither established nor properly placed before him. The learned Single Judge, therefore, ought to

have decided the jurisdictional issue instead of relegating the appellant to a departmental appeal. It has been further argued that the suspension order was passed without proper application of mind and without affording the appellant any opportunity of hearing. The appellant had repeatedly approached the police for registration of the FIR, but the police sought documents which respondent No.4 failed to provide despite repeated requests. Thus, the allegation of disobedience was contrary to the record, and the immediate issuance of the suspension order after the warning indicated predetermination and mala fide exercise of power. The appellant has contended that the departmental appeal was not an efficacious remedy for deciding the fundamental issue of the Collector's jurisdiction. The suspension has caused serious civil consequences, stigma, financial hardship and prejudice to the appellant's career; hence, the order of the learned Single Judge deserves to be set aside and the illegal suspension order may be quashed.

4. Per contra, Learned counsel for the State-respondents has supported the order of the learned Single Judge and has submitted that the writ petition has rightly been dismissed in view of the efficacious alternative statutory remedy available to the appellant. The appellant, being a Class-III employee, could be suspended by the Collector under the Circular dated 23.05.1996 and the Rules of 1966. It has been further contended that the impugned suspension order was passed by the competent

authority in exercise of the powers conferred under the said Circular. Therefore, the suspension order was issued in accordance with the applicable service rules and administrative instructions on account of the appellant's alleged failure to comply with official directions and discharge his duties.

5. We have heard learned counsel for the parties and perused the material available in the writ appeal as well as writ petition.
6. The learned Single Judge in the impugned order dated 25.06.2026 passed in WPS No.4744 of 2026 has observed in para Nos. 5 to 7 that:-

“5. Having considered the submissions advanced by learned counsel for the parties, this Court finds that the principal grievance raised by the petitioner pertains to the competency of the authority issuing the suspension order dated 20.05.2026. The respondents have specifically relied upon the Circular dated 23.05.1996 issued by the General Administration Department, whereby the Collector has been empowered to exercise powers of suspension in respect of Class-III and Class-IV employees under the Rules of 1966. It is not in dispute that against the order of suspension, an efficacious alternative remedy of appeal is available to the petitioner before the competent authority under the provisions of the Rules of 1966.

6. It is well settled that when an efficacious alternative statutory remedy is available to an aggrieved employee before a competent forum, this Court would ordinarily refrain from exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, unless exceptional circumstances are made out.
 7. Accordingly, the writ petition is dismissed at the motion stage itself as not maintainable. However, liberty is reserved in favour of the petitioner to avail the appropriate remedy before the competent forum, in accordance with law, if so advised.”
7. Upon considering the submissions advanced by learned counsel for the parties and the material available on record, we find no infirmity in the order passed by the learned Single Judge. The principal grievance of the appellant relates to the competency of the District Collector to pass the suspension order, whereas the State has relied upon the Circular dated 23.05.1996 empowering the Collector to exercise the power of suspension in respect of Class-III and Class-IV employees under the Rules of 1966. Such disputed questions, including the applicability and effect of the said Circular, can appropriately be examined by the competent appellate authority under the statutory remedy available to the appellant. Since an efficacious alternative remedy of appeal was admittedly available, and no exceptional circumstance warranting exercise of extraordinary jurisdiction under Article 226 of the

Constitution of India was established, the learned Single Judge was justified in declining to entertain the writ petition at the motion stage while granting liberty to the appellant to avail the appropriate statutory remedy. Therefore, the order dated 25.06.2026 calls for no interference.

8. In view of the foregoing discussion, we find no error or illegality in the order dated 25.06.2026 passed by the learned Single Judge warranting interference in the present appeal. The appellant has an efficacious statutory remedy available under the Rules of 1966, and the learned Single Judge has rightly granted liberty to avail such remedy in accordance with law. Accordingly, the writ appeal, being devoid of merit, is **dismissed**. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice