

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4425 of 2014

- P.K.Chauhan S/o Shri B.S. Chauhan Aged About 56 years Presently Working As A Sub Engineer In The Office Of E/m Light Machinery Sub Division Bilaspur C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Water Resource Department, Mahanadi Bhawan , Naya Raipur C.G.
2. The Engineer In Chief Water Resources Department, Sihawa Bhawan, Raipur C.G.
3. Chief Engineer, Hasdeo Kachhar W.R.D. Bilaspur, Distt. Bilaspur C.G.
4. Executive Engineer E And M Light Machinery Tube Well & Gate Sub Division Baikunthpur Korea C.G.
5. The Sub Divisional Officer E And M Light Machinery Tube Well & Gate Sub Division Baikunthpur Korea C.G.
6. H.R. Kutare Engineer In Chief, Water Resources Department, Sihawa Bhawan Raipur C.G.
7. B.D. Vishnav Chief Engineer Hasdev Kachhar W.R.D. Bilaspur Distt. Bilaspur C.G.

---- Respondents

For Petitioner	Shri Vinod Deshmukh, Advocate
For Respondent/State	Shri P. K. Bhaduri, GA
For respondent No.6	Shri Pawan Kesharwani, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

14/07/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.

2. The petitioner has assailed the legality and validity of the order dated 21.08.2014 passed by the Engineer-in-Chief, Water Resource Department, Chhattisgarh suspending him in exercise of power under Rule 9 (1) of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (for short 'CCA Rules, 1966').
3. Shri Deshmukh, learned counsel for the petitioner would submit that by order dated 15.07.2014 (Annexure-P-2), the petitioner was transferred from Baikunthpur to Bilaspur. Subsequently, pursuant to the relieving order dated 23.07.2014 (Annexure-P-4), the petitioner joined at Bilaspur on 24.07.2014 (Annexure-P-5) but, later on by order dated 30.07.2014 (Annexure-P-6), the relieving order was cancelled. Against which the petitioner preferred WP(S) No.4064/2014, wherein by order dated 12.08.2014 (Annexure-P-7), this Court set aside the order dated 30.07.2014, whereby his relieving was cancelled. Learned counsel would further submit that this has been construed as insubordination and the petitioner is harassed by suspending and posting him at Ambikapur. Thus, according to him, the impugned order of suspension is malafide and arbitrary.
4. Shri Bhaduri, learned State counsel and Shri Kesharwani, learned counsel for the respondent No.6 would submit that the petitioner was found guilty of insubordination as he was disobeying the order passed by the superior authority, therefore, he has been placed under suspension.
5. Admittedly, the petitioner was placed under suspension on 21.08.2014 and despite laps of about 9 months from the said date, charge sheet has not been issued against the petitioner. Thus, even under the proviso to Rule 9 (1) (b) of CCA Rules, 1966, the order of suspension

is deemed to be revoked.

6. In view of the above, the impugned order is quashed, however, liberty is reserved in favour of the respondents to take fresh decision in the matter, if they decide to constitute any department enquiry against the petitioner.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala