

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2484 of 2015

- Suresh Nath Mishra S/o Late Shri Kripa Ram Mishra, Aged About 58 years, Occupation Forest Range Officer, Range Paratappur, District Sarguja (C.G.), Permanent Address: House No. 292, Mahatma Gandhi Ward, Ambikapur, (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Forest, Mantralaya Mahanadi Bhawan, New Raipur, (C.G.)
2. The Chief Conservator Of Forest, Sarguja, Forest Circle Ambikapur, District Sarguja, (C.G.)
3. Divisional Forest Officer, Surajpur, Forest Division, Surajpur, (C.G.)
4. Collector, District Surajpur, (C.G.)

---- Respondents

For Petitioner	: Shri A.K. Shukla, Advocate
For Respondent/State	: Shri P.K. Bhaduri, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

14/07/2015

1. After arguing at length learned counsel for the petitioner seeks permission of the Court to withdraw the writ petition with liberty to prefer an appeal before the Appellate Authority under Rule 23 of Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966.
2. Shri Shukla, learned counsel for the petitioner would also submit that the petitioner had in fact intended to prefer an appeal but since the order of suspension has been issued in the name of the Governor, the Appellate Authority is not accepting the appeal.
3. In ***G.S. Dewangan Vs. State of Chhattisgarh and others, W.P.(S) No. 102/2012*** decided on 30/01/2012 this Court has dealt with the similar issue and having considered in the light of judgment of the Supreme Court in

the matter of Common Case, ***A Registered Society Vs. Union of India and others (1996) 6 SCC 667***, this Court has held that an order expressed to be issued in the name of Governor does not become an order issued by the Governor. The order impugned in the said case of G.S. Dewangan (supra) was also issued in the name of Governor and the said petitioner was relegated for filing an appeal before the Governor. The order in the matter of G.S. Dewangan (supra) has been approved by the Division Bench in ***W.A. No.80/2012, G.S. Dewangan Vs. State of Chhattisgarh & Others***, after placing reliance upon the decision of the Supreme Court in ***State of M.P. & Others Vs. Dr. Yashwant Trimbak, (1996) 2 SCC 305***.

4. In view of the above, an appeal against an order of suspension issued in the name of Governor is maintainable before the Governor. The petitioner may prefer an appeal under Rule 23 of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966 within a period of 30 days from today.

Sd/-

JUDGE

(Prashant Kumar Mishra)