

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3063 of 2015

- Anil Kumar Verma S/o Late Shri Sheetal Prasad Verma Aged About 47 Years Assistant Grade III, R/o Infront Of High School, Baikunthpur Ward No. 7, District Koriya Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Agriculture Department, Mantralaya, Mahandi Bhawan, New Raipur District Raipur Chhattisgarh
2. Director Agriculture Department Chhattisgarh, Raipur Chhattisgarh
3. Joint Director Agriculture Department Surguja Division Ambikapur, District Surguja Chhattisgarh
4. Deputy Director Agriculture Department District Koriya Chhattisgarh

---- Respondents

For Petitioner	Ms. Meena Shastri, Advocate
For Respondent/State	Shri Shashank Thakur, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

26/08/2015

Heard finally with the consent of the learned counsel for the parties.

1. The petitioner, who is working as Assistant Grade-III in the Office of Deputy Director, Agriculture Department, Koria, has been placed under suspension by the Deputy Director, Agriculture Department, Koria in exercise of powers under Rule 9 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (for short 'the Rules, 1966').

2. Drawing attention of the Court to the petitioner's appointment order issued by the Office of Joint Director, Agriculture Department (Annexure-P-3), learned counsel would submit that the Deputy Director, Agriculture is neither the appointing authority nor the disciplinary authority of the petitioner nor he is authorized by any other general or special order issued by the Governor of Chhattisgarh empowering him to place the petitioner under suspension, therefore, the impugned order is without jurisdiction.
3. Considering the entire facts and circumstances of the case and for the reason that the impugned order is appealable under Rule 23 of the Rules, 1966, the writ petition is disposed of with a direction that in the event, the petitioner prefers an appeal under Rule 23 of the Rules, 1966, within a period of 3 weeks from today, the appellate authority shall consider and decide the appeal within a period of 3 months from the date of submission.
4. Till the petitioner's appeal is decided, or for a period of 4 months from today, whichever is earlier, the effect and operation of the impugned order shall remain stayed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala