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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 401 of 2015**

Yogendra Nath Tiwari, aged about 52 years, S/o Rajendra Nath Tiwari, R/o Program Inspector, Near Mouvali Bandh, Namnakala, Ambikapur, District Surguja (Chhattisgarh)

---- Appellant

Versus

1. State of Chhattisgarh Through- Secretary Tribal Welfare Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur, Chhattisgarh.
2. Commissioner, Tribal Welfare, Raipur, District Raipur, Chhattisgarh.
3. Commissioner, Surguja Division, Ambikapur, District Surguja, Chhattisgarh.
4. Collector, Tribal Welfare, Surguja, Ambikapur, District Surguja, Chhattisgarh.
5. Assistant Commissioner, Tribal Welfare, Surguja, Chhattisgarh.
6. District Treasury Officer, Ambikapur, Surguja, District Surguja, Chhattisgarh.
7. Smt. Ritu Sain, Collector, Ambikapur, District Surguja, Chhattisgarh.
8. State of Chhattisgarh, Through Secretary Law and Legislative Affairs Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Appellant	:	Shri Manoj Paranjpe, Advocate.
For Respondents/State	:	Shri C.D.Singh, Additional Advocate General.

Hon'ble Shri Navin Sinha, Chief Justice**Hon'ble Shri P. Sam Koshy, J.****Judgment on Board****Per Navin Sinha, Chief Justice****26/08/2015**

1. The present appeal arises from order dated 10.8.2015 dismissing Writ Petition (S) No. 2226 of 2015 declining to interfere with the order of suspension dated 15.6.2015.
2. Learned Counsel for the Petitioner submits that the order of suspension is based on *non est* grounds in view of three men enquiry committee report

dated 3.7.2014.

3. Learned Counsel for the State submits that the Appellant has an alternative remedy in appeal before the appellate authority under Rule 23 read with Rule 27 of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966 (hereinafter called 'the Rules'). He next submits that charges have already been framed and served.

4. In view of alternative statutory remedy of appeal available against the order of suspension, we are not inclined to interfere on that short ground alone.

5. If the Appellant prefers an appeal against the order of suspension, it is required to be considered by the appellate authority on its own merits in accordance with law and the grounds that may be urged in the appeal without being prejudiced by our reluctance to entertain the appeal in view of availability of an alternative statutory remedy.

6. Even if no time limit is prescribed under Rule 27 of the Rules, it necessarily entails disposal of the appeal within reasonable time from the date of its institution so as not to render it futile.

7. The writ petition challenging the order of suspension dated 15.6.2015 was filed on 22.6.2015 within limitation prescribed under Rule 25 for filing of appeal. Applying the principles laid down in (1996) 6 SCC 199 (Danda Rajeshwari v. Bodavula Hanumayamma) the appellate authority shall decide the appeal without going into the question of limitation.

8. The appeal stands disposed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE