

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.4981 of 2015**

Amar Singh Khande, S/o Shri Laxmi Chand Khande, aged about 45 years, presently working as Labour Inspector, O/o Labour Office, Kawardha, District Kabirdham.

---- Petitioner**Versus**

1. State of Chhattisgarh, through the Secretary Department of Labour, Mantralaya, Mahanadi Bhavan, Naya Raipur, District Raipur.
2. Labour Commissioner, Government of Chhattisgarh, Indravati Bhavan, Naya Raipur, District Raipur.
3. Collector, Kabirdham, District Kabirdham.

--- Respondents

For Petitioner	: Shri Jitendra Pali, Advocate
For Respondents	: Shri Suvigya Awasthi, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

23/12/2015**(1)** Heard.

(2) The petitioner has preferred this petition challenging the impugned order-Annexure P/1 passed by the Collector, District Kabirdham on 27.11.2015, whereby, the petitioner, a Labour Inspector, working in the Department of Labour has been suspended under Rule 9 of the C.G. Civil Services (Classification, Control and Appeal) Rules, 1966 (in short "the Rules, 1966").

(3) Learned counsel for the petitioner would submit that the

petitioner is working in the Department of Labour, which is not under the control of Collector of the District, therefore, the Collector not being the appointing or disciplinary authority of the petitioner, he has no authority or jurisdiction to exercise powers under Rule 9 of the Rules, 1966.

(4) The impugned order is passed in exercise of powers under the Rules, 1966. Such order is appealable under Rule 23 of the Rules, 1966, therefore, the petitioner is directed to prefer an appeal before the appellate authority within a period of one month from today. Since there is substance in the arguments raised by learned counsel for the petitioner that the Collector neither being the appointing nor disciplinary authority of the petitioner, he may not have jurisdiction to exercise powers under the Rules, 1966, it is also directed that the impugned order shall remain stayed for a period of 4 months from today. The appellate authority shall consider and decide the appeal on its own merits and pass speaking order within a period of 3 months from the date of submission of appeal. In the event, any adverse order is passed against the petitioner, he would be at liberty to move afresh before this Court.

(5) With the aforesaid observations/directions, the petition stands finally disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

L/-