

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 11 of 2014**

- Deonarayan Paikra S/o Shri Chamra Ram Paikra Aged About 52 years Assistant Police Sub Inspector (Under Suspension) Police Line Surajpur Tahsil Surajpur, Revenue District Surajpur, Civil District Sarguja (C.G.)

---- **Petitioner****Versus**

1. State of Chhattisgarh Through Secretary Home Ministry Secretariat, Raipur (C.G.)
2. Director General of Police Raipur (C.G.)
3. Inspector General of Police Sarguja Range Sarguja Ambikapur (C.G.)
4. Superintendent of Police Surajpur, Distt Surajpur (C.G.)

---- **Respondents**

For Petitioner	:	Shri JS Baraik, Advocate
For Respondents/State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****14/07/2015**

1. Petitioner has assailed the legality and validity of the order passed by the Superintendent of Police, Surajpur on 30.09.2013, suspending him under Rule 9 of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966 (for short 'the Rules, 1966').
2. Shri Baraik, learned counsel for the petitioner would submit that the charge-sheet was not served on the petitioner within a period of 45 days, therefore, the petitioner is entitled to be reinstated.

3. Return filed by the State would indicate that the charge-sheet was issued to the petitioner on 30.10.2013 and when it was tried to be served on the petitioner, he was not available in his house. His wife refused to receive the papers, pursuant which the same was pasted on the house of the petitioner.
4. Under the Rule 9 (2-a) of the Rules, 1966, the requirement of issuance of charge-sheet is within 45 or 90 days, as the case may be, and not of service of charge-sheet on the delinquent. In the case in hand, the charge-sheet was issued within a month, therefore, there is no violation of Rule 9 (2-a) of the Rules, 1966.
5. At this stage, Shri Baraik, learned counsel for the petitioner would submit that the enquiry is not progressing and the petitioner is kept under suspension without his fault.
6. In view of the law laid down by the Supreme Court in the Matter of **Union of India And another Vs. Ashok Kumar Agrawal**¹, this Court has limited jurisdiction to interfere in the matters concerning suspension of Government servant, therefore, there is no substance in the writ petition. Accordingly, the writ petition is dismissed, however, if the departmental enquiry is still pending, the respondents shall expedite the same.

Sd/-

Judge

Prashant Kumar Mishra

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¹ (2013) 16 SCC 147