

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4253 of 2013

- Smt. Sheela Meshram D/o Shri Dayaram Mashram, Aged About 48 years (Lady Superintendent) Tribal Girls Hostel, Kota, Distt Bilaspur, R/o Talaparad, Ps Civil Lines, Distt Bilaspur (C.G.)

---- Petitioner

Versus

- State Of Chhattisgarh Through The Secretary, Tribal Welfare Department, Mahanadi Bhawan, New Mantralaya, Raipur, Distt Raipur (C.G.) Pin - 492001
- Commissioner Bilaspur, Distt Bilaspur (C.G.)
- Assistant Commissioner Tribal Development Department, Bilaspur Distt Bilaspur (C.G.) Pin - 495001
- Collector (Tribal Development) Bilaspur, Distt Bilaspur (C.G.) Pin - 495001
- Block Education Officer Marvahi, Distt Bilaspur (C.G.)

---- Respondents

For Petitioner	None
For Respondent/State	Mr. Shashank Thakur, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

14/07/2015

The petitioner has assailed the legality and validity of the order dated 30.09.2013 passed by the Commissioner, Bilaspur Division, Bilaspur, dismissing her appeal against the order of suspension passed by the Collector (Tribal Development), Bilaspur on 11.10.2012.

(2) A perusal of the order passed by the appellate authority would indicate that the main contention before the said authority was that the petitioner was not served with the charge sheet within a period of 45 days, therefore, she is entitled to be reinstated.

(3) The Commissioner Bilaspur Division Bilaspur has recorded a categorical finding that the charge sheet was issued within 45 days but the same could not be served on the petitioner, because, she was not present in the headquarter, wherein, she was posted during the period of suspension and she herself is responsible for non-service of charge sheet. Thus, it would clearly appear that the charge sheet was issued to the petitioner within a period of 45 days.

(4) Considering the scope of interference in the matters concerning suspension of Government Servant as held by the Supreme Court in the matter of *Union of India and another vs. Ashok Kumar Aggarwal*, ¹ this Court is not inclined to interfere with the impugned order.

(5) Accordingly, the writ petition is dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)

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¹ (2013) 16 SCC 147