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HIGH COURT OF CHHATTISGARH, BILASPUR

WP (S) No. 1458 of 2015

Devendra Nath Patra, S/o Shri Sukhdev Singh Patra, Aged About 50 years, Presently working as Labour Inspector, District Dhamtari (C.G.)
R/o P-3-A-44, Sector 27, Near Gol Chowk, Naya Raipur, District Raipur, (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Department of Labour, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, (C.G.)
2. Labour Commissioner, Government of Chhattisgarh, Indravati Bhavan, Naya Raipur, District Raipur (C.G.)
3. Collector, Dhamtari, District Dhamtari, (C.G.)

---- Respondents

For Petitioner	Shri Jitendra Pali, Advocate
For Respondent/State	Shri Shashank Thakur, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

27/04/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. The petitioner has preferred this petition challenging the impugned order (Annexure-P-1) passed by the Collector, Dhamtari, District Dhamtari on 16.04.2015, whereby the petitioner, a Labour Inspector, working in the Department of Labour, has been suspended under Rule 9 of the Chhattisgarh 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. He would further submit that the impugned order of suspension is otherwise passed on perverse and non existent ground because, on the date when the review meeting was convened by the Collector, the petitioner had already proceeded on earned leave already sanctioned to him by the competent authority.
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 authority 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 during pendency of appeal. 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 costs.

JUDGE