

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.109 of 2016

Yadav Ram Deohare, S/o Late M.R. Deohare, aged about 62 years, R/o Village Khambhata, Post Pinkapar, Dongargao, District Balod, C.G.

---Petitioner

Versus

1. State of Chhattisgarh through Secretary, Social Welfare Department, Office Situated at Mahanadi Bhawan, New Raipur District Raipur, (C.G.)
2. Additional Secretary, State of Chhattisgarh, Social Welfare Department, Office situated at Mahanadi Bhawan, new Raipur, District Raipur (C.G.)

----Respondents

For Petitioner	: Mr. Praveen Dhurandhar, Advocate
For State	: Mr. Y.S. Thakur, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

19/01/2016

1. Learned counsel for the State would submit that against the order of punishment inflicted by the State Government, the appeal would lie under Rule 24(i)(b) of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (hereinafter called as 'Rules of 1966') before His Excellency "The Governor".

2. Learned counsel for the petitioner would submit that since the order expressed to have been passed in the name of the Governor, State of Chhattisgarh, therefore, it does not become an order passed by His Excellency The Governor himself.

3. At this stage, learned counsel for the State would submit that in Writ Petition (S) No.102/2012 (G.S. *Dewangan v. State of Chhattisgarh and others*) this point has been decided by this Court on 30/01/2012. The operative portion of the order states as under:-

“14. In the opinion of this Court, the above judgment of the Supreme Court is complete answer to the argument raised by learned counsel for the petitioner. accordingly, this Court holds that even if the impugned order of suspension is issued, after expressing the same to have been passed for and on behalf of the Governor of Chhattisgarh, it does not become an order passed by the Governor himself and remedy of filing an appeal before His Excellency, the Governor is available to the petitioner under Rule 23 of the Rules, 1966.”

4. Learned counsel for the State would submit that

order of the Co-ordinate Bench of this Court has been affirmed by the Division Bench of this Court on 15/02/2012 and Writ Appeal No.80/2012 has been dismissed.

5. In view of the law laid down by this Court, I am of the considered opinion that the order is appealable before His Excellency "The Governor" under Rule 24(i)(b) of the Rules of 1966.

6. At this stage, learned counsel for the petitioner would submit that he may be allowed to prefer an appeal before the Appellate Authority.

7. Prayer appears to be fair and reasonable.

8. The petitioner is at liberty to prefer an appeal before the Appellate Authority within a period of 30 days from today in accordance with law.

9. With the aforesaid observation, writ petition stands finally disposed of. It is made clear that this Court has not expressed any opinion on the merit of the case.

Sd/-
(Sanjay K. Agrawal)
JUDGE