

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4624 of 2016**

Smt. Chandrika Suryavanshi W/o Pramod Kumar Raj, Aged About
32 Years Posted As Patwari, P.H. No. 31, Chodha, R. I. Circle- Hardi
Bazaar, Tehsil- Pali, Distt. Korba, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Naya Mantralaya, New Raipur, Distt. Raipur, (Chhattisgarh)
2. Collector, Korba, District Korba, (Chhattisgarh)
3. Sub Divisional Officer, Katghora, Distt. Korba, (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Sanjay Patel, Advocate
For State	:	Mr. Dheeraj Wankhede, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Oral order****21/12/2016**

1. With the consent of the parties, the matter is heard finally.
2. The petitioner has assailed the correctness and validity of suspension order dated 09.08.2016 passed by the third respondent, the Sub-Divisional Officer Katghora on the ground that the Sub-Divisional Officer does not have the authority and competence to place the petitioner under suspension as the Appointing Authority of the petitioner is the Collector under the provisions of the Chhattisgarh Land Revenue Code.
3. In this case, learned counsel for the State was directed to seek instructions and disclose the authority of law under which the Sub-Divisional Officer has exercised the power. State counsel has brought to the notice of this Court a notification dated 01.10.1959 (Annexure R/2) by

which the powers of Collector has been delegated to the Sub-Divisional Officer and incorporated by way of Rule under the Revenue Manual (Annexure R/1).

4. A Full Bench decision of the High Court of Madhya Pradesh in the case of **Kala Bai Vs. State of Madhya Pradesh reported in 2011 (1) M.P.L.J. 457**, has examined the legal aspect and relying upon the aforesaid notification dated 01.10.1959 delegating the power of the Collector to the Sub-Divisional Officer to be a competent authority.

5. In view of the above, the petition has no merit and is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge