

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5301 of 2017

Dr. Shankar Lal Uike S/o Late Sukh Lal Uike Aged About 45 Years Chief Executive Officer, Chhattisgarh State Livestock Development Agency, Old Directorate, Veterinary Services, In Front Of Guru Tegbahadur Udyan, Raipur, R/o Qtr. No. F- 11, Forest Colony, Pandri, Police Station Civil Line, Raipur, District Raipur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Veterinary, Agriculture, Livestock Development And Fisheries, Ministry, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Under Secretary, State Of Chhattisgarh, Department Of Chhattisgarh State Livestock Development, Ministry, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.

---- Respondents

Shri Mateen Siddiqui, counsel for the petitioner/s.
Shri S.P.Kale, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/10/2017

Heard.

The petitioner has challenged the order of suspension dated 26/08/2017 on the ground that the petitioner is not responsible for any irregularities alleged to have been found in the maintenance and operation of the Cow Care Centre but yet he has been victimized. It is submitted that after the petitioner, some other officers were given charge, but no action has been taken against them and the petitioner who was posted earlier, departmental action has been initiated against him by placing him under suspension.

2. The ground which have been raised in the petition neither relate to ground of absence of jurisdiction nor a case of personal malice against the petitioner by the officers.

3. It is well settled that where an employee has an alternative statutory remedy of filing appeal, the Writ Court would ordinarily not entertain except on exceptional circumstances as held by the Supreme Court in the case of **Whirlpool Corporation v. Registrar of Trade Marks, Mumbai, (1998) 8 SCC 1**. The grounds raised in this petition could very well be raised in the appeal. The petition is accordingly dismissed.

4. Learned counsel for the petitioner, at this stage, submits that the respondents be directed to decide the appeal expeditiously.

5. At present, there is no appeal. Therefore, no time bound direction can be issued. It is expected that the appellate authority shall decide the matter as expeditiously as possible. In case, it is not decided within a period of 45 days, it would be open for the petitioner to take recourse to remedy as may be available to him under the law.

Sd/-
(Manindra Mohan Shrivastava)
Judge