

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2323 of 2008

- Smt. Gulab Ekka, W/o William Minj, aged about 38 years, working as Women Health Worker, Primary Health Centre, Bhaiyathan, Distt. Surguja (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh through the Secretary, Department of Health, D. K. S. Bhawan, Raipur Distt. Raipur (C.G.)
2. The Collector, Surguja, Distt. Sarguja (C.G.)
3. The Chief Medical and Health Officer Ambikapur, Distt. Surguja (C.G.)
4. The Block Medical Officer, Community Health Centre, Bhaiyathan, Sarguja (C.G.)
5. The Block Medical Officer, Community Health Centre, Ramanujnagar, Distt. Surguja (C.G.)

---- Respondents

For Petitioner	None
For Respondent-State	Ms. Sunita Jain, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

25/04/2017

1. None for the petitioner.
2. Heard learned State counsel and perused the record.
3. Challenge to the order (Annexure-P-1) passed by the Collector, Surguja on 03.04.2008 imposing penalty of stoppage of two increments without cumulative effect has been thrown on two

grounds, firstly the Collector has no power to impose even minor punishment on an employee of the Health Department and secondly under Rule 16 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (henceforth 'the CCA Rules, 1966'), a regular enquiry is needed for imposing such punishment.

4. For the first ground of challenge, the complete answer lies in Annexure-R-4, which is a circular issued by the State Government on 23.05.1996 empowering the Collector of the District to suspend under Rule 9 or impose minor penalty under Rule 10 of the CCA Rules, 1966 on any Class III or Class IV employee of any department, except any policeman. Thus, the Collector is duly authorized and empowered to impose minor punishment on an employee working in the Health Department.
5. The second ground of challenge has its basis on Rule 16 of the CCA Rules, 1966, which provides that any of the penalties specified in Clause (i) to (iv) of Rule 10 & 11 can be imposed after informing the government servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehavior on which it is proposed to be taken, and giving him a reasonable opportunity of hearing before making such representation as he may wish to make against the proposal. Before passing the impugned order, the petitioner was served a show cause notice by the Collector, Surguja on 05.02.2008 clearly mentioning the imputation of misconduct or misbehavior, on which he was likely to be proceeded departmentally. The petitioner has not complained that she has not received any show

cause notice but she has filed a detailed reply to the show cause notice. Thus, the requirement under Rule 16 (1) (a) of the CCA Rules, 1966 has been duly complied with before imposing minor penalty against the petitioner.

6. Since both the grounds on which the challenge has been thrown to the impugned order has no substance, the writ petition fails and is hereby dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala