

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 7021 of 2017**

Harish Kumar Rathore S/o Shri Devprasad Rathore Aged About 42 Years  
R/o M I G- 2/107, Pandit Ravi Shankar Shukla Nagar, Korba, Police Station-  
City Kotwali, Tahsil And District Korba, Chhattisgarh. ---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through Its Secretary, S C And S T Development Department , Mahanadi Mantralaya, Police Station & Post- Rakhi, New Raipur, District Raipur, Chhattisgarh.
2. Commissioner, Office Of Commissioner, S C And S T Development Department, Block- 4/d, Indravati Bhawan, New Raipur, District Raipur, Chhattisgarh.
3. Collector, Office Of Collectorate (Tribal Development ), Korba, District Korba, Chhattisgarh. ---- **Respondents**

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| For Petitioner       | : | Shri Abhishek Pandey, Advocate |
| For Respondent/State | : | Shri SP Kale, Dy. A.G.         |

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**S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**12/12/2017**

Heard.

1. The petitioner has assailed correctness and validity of the impugned order on the ground that the impugned order of suspension has been issued without any contemplation of departmental enquiry and without any preliminary enquiry or any show cause notice given to the petitioner. It is also submitted that till date, no charge sheet has been given to the petitioner.
2. Learned counsel for the petitioner would submit that as there is no specific contemplation mentioned in the order of suspension, the order is bad in law and therefore is liable to be set aside. He submits that in similar circumstances, this Court has entertained WPS No.1478 of 2017 and WPS No.2787 of 2017.

3. A perusal of the impugned order of suspension would show that as many as on 7 alleged misconduct, the petitioner has been placed on suspension stating that the act of the petitioner, prima facie, amounts to misconduct under the rules. The mention of the allegation in the order of suspension by itself are sufficient to disclose contemplation of departmental enquiry. Use of the word 'contemplation' is not necessary in these circumstances.
4. There is nothing in the rules nor a matter of principle under Services Jurisprudence that prior to suspension, any show cause notice is required to be given to the employee because suspension is not a punishment as such. The order has not been challenged on the ground of jurisdiction or personal malice of the authority who has passed the order.
5. Learned counsel for the petitioner did not dispute that the stage of automatic revocation has not reached because 45 days has not elapsed. It goes without saying that if charge sheet is not issued to the petitioner within a period of 45 days from the date of issuance of order of suspension, the suspension order would stand automatically revoked.
6. In view of the above considerations, it is not a fit case for entertaining by this Court. Leaving the petitioner to work out his remedy for taking statutory appeal against the order of suspension, the petition is dismissed.

**Sd/-**  
**(Manindra Mohan Shrivastava)**  
Judge