

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 2730 OF 2017

Om Prakash Gaharwariya, S/o Rajeshwar Prasad, aged about 26 years, presently working on the post of Forest Guard Chunchuna Forest Range, Chando, Balrampur, District Balrampur (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Department of Forest Mahanadi Bhawan, New Raipur, District Raipur (C.G.)
2. The Divisional Forest Officer, Forest Division, Balrampur, District Balrampur (C.G.)
3. The Forest Range Officer, Forest Range Chando, District Balrampur (C.G.)

... Respondents

For Petitioner	:	Mr. A.N. Pandey, Advocate.
For Respondents	:	Mr. Satish Gupta, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/07/2017

1. Challenge in the present Writ Petition is to the order dated 21.9.2015 whereby the Petitioner has been placed under suspension under Rule 9(2) (b) of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966.

2. The sole ground for seeking revocation of the suspension order is the fact that in the trial which is going on in a criminal Court, the complainant is not supporting the case of the prosecution and therefore the case would not be made out and thus he prayed for the revocation of the order of suspension. Counsel for the Petitioner relies upon the circular of the State Government whereby it reflects that a delinquent employee cannot be placed under suspension beyond a period of one year.

3. The two contentions of the Petitioner cannot be at this stage looked into by this Court in exercise of its writ jurisdiction, for the simple reason that the admitted position is that the Petitioner has been subjected to trial in a case where he is being prosecuted for the offence punishable under

Sections 363, 366, 376 and 506(B) of IPC in Crime No. 95 of 2015 registered at Police Station Basantpur and the trial is going on.

4. Taking into consideration the gravity of the offence for which the Petitioner is facing the trial at this juncture would bring him under the act which would fall within the ambit of moral turpitude. Further, the fact that he has remained in custody for a pretty long period and that he has been placed under suspension only on account of the fact that a serious criminal case is pending against him, the circular which has been relied upon by the Petitioner would not be applicable in the present case. Thus, this Court does not find any strong case made out by the Petitioner for exercising the writ jurisdiction for revocation of the order of suspension.

5. The writ petition thus being devoid of merits, the same is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge