

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.3522 of 2017

- Donar Prasad Thakur S/o Late Shri Firat Ram Thakur, Aged About 40 Years R/o Gajendra Singh Thakur Niwas, Pachpedi Naka, Navjivan Society Road, Laxminagar, Raipur, Police Station - Tikrapara, Tahsil & District Raipur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Social Welfare, Mahanadi, Mantralaya Police Station & Post Rakhi, New Raipur, District Raipur, Chhattisgarh.
2. Director , Office Of Directorate, Dau Kalyan Singh Bhavan, Mahanadi Khand, Near Ghadi Chowk, Raipur, District Raipur, Chhattisgarh.
3. Collector & District Magistrate District South- Bastar, Dantewada, Dantewada, Chhattisgarh.
4. Deputy Director, Office Of Deputy Director, Social Welfare Department, District- South Bastar, Dantewada, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Abhishek Pandey, Advocate
For Respondent/State	:	Shri Manish Nigam, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/08/2017

Heard.

2. State counsel was granted time to place on record new order, but there is no document on record to satisfy the Court that any general circular or special order in terms of provision contained under Rule 9(1) of the CG Civil Services (Classification, Control & Appeal) Rules, 1996 has been issued by the State Government, delegating the power of suspension of Class II Gazetted Officer by the Collector of the District.

3. An employee of the State Government could be suspended either by the Governor or by the appointing authority or by the authority to whom appointing authority is subordinate or any other authority empowered in that behalf by general or a special order of the Governor or by the disciplinary authority.

4. No material could be brought on record to show that power was conferred on the Collector to impose minor penalty on the petitioner, who happens to be Class II Gazetted Officer. Therefore, the Collector is not the disciplinary authority. Therefore, it is clear that the order passed by the Collector is without jurisdiction and cannot be sustained in law. Resultantly, the impugned order passed by the Collector is hereby set aside.

5. Accordingly, the petition is finally disposed off. This order shall not come in the way of State Government to take disciplinary action, if so warranted, in accordance with law.

SD/-
(Manindra Mohan Shrivastava)
Judge