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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3676 of 2016**

- Y. M. Meher Raj S/o Late Y.L. Muni Raj, Aged About 48 Years R/o M.I.G. 43, Pushp Vihar Colony, Ravishankar Nagar, Korba, Police Station Kotwali, District Korba Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Public Health Engineering Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, Distirct Raipur Chahttisgarh
2. Collector, Korba, District Korba Chhattisgarh
3. Executive Engineer, Public Health Engineering Department, Division Korba, District Korba Chhattisgarh

---- Respondent

For Petitioner	Mr. Manoj Paranjpe, Advocate
For Respondent/State	Mr. Satisih Gupta, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****6/4/2017**

1. Heard.
2. The petitioner is working as Sub-Engineer in the Department of Public Health Engineering, having been directly recruited on the said post in the year 1995. He feels aggrieved by the order of suspension issued by the Collector, Korba, on 19.07.2016 .
3. The sole ground, on which, the petitioner has preferred this writ

petition is that in view of the Circular issued by the State Government on 23.5.1996, the State Government has exercised powers under Rule 10 of the C.G. Civil Services (Classification, Control and Appeal) Rules, 1966, conferring power on the District Collectors to suspend and impose minor penalty to Class-III and IV Government Employees of any Department working within his District.

4. It is argued by Mr. Manoj Paranjpe, learned counsel for the petitioner, that the petitioner having drawing pay scale of more than Rs.6500-10,500/-, he is a Class-II Gazetted Officer in terms of the Circular- Annexure R/3, therefore, the District Collector has no jurisdiction to place the petitioner under suspension.
5. Mr. Shashank Thakur, learned Government Advocate for the State, would seriously dispute the statements made by learned counsel for the petitioner. He would refer to the document Annexure R/4 to highlight that the petitioner is, in fact, drawing pay scale of Rs.5000-150-8000/- and not Rs.6800/-, as claimed by him. He further submits that the reliance placed on Annexure P/2 is misplaced because that is the step up pay scale granted to the petitioner, which is not the original pay scale, whereas, for applicability of Circular Annexure R/1 & R/2, the original pay scale has to be reckoned and not the step up pay scale.
6. The copy of the service book annexed as Annexure R/4 is of the year 2008, therefore, it is not clear as to what was the petitioner's pay scale on the date when the impugned order was passed by the District Collector.

7. On due consideration of the documents made available before this Court, it is not clear as to what is the present substantive pay scale of the petitioner. Therefore, the writ petition is disposed of with direction that the petitioner shall file a representation before the concerned Secretary -respondent No.1 within a period of one month from today and thereafter, the Secretary shall decide the representation on its own merits within a further period of 06 weeks.
8. It is informed that the petitioner has been reinstated on the strength of interim order passed by this Court, therefore, the said order shall remain operative during pendency of the representation before respondent No.1. However, if respondent No.1 reaches to a conclusion that the District Collector had no power or jurisdiction to place the petitioner under suspension, it will remain open for respondent No.1 to pass fresh order, if the administrative exigency so warrants.

Sd/-

Judge

(Prashant Kumar Mishra)

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