

NAFR**HIGH COURT of CHHATTISGARH, BILASPUR****Writ Petition (S) No. 1214 of 2017**

Rajnarayan Pandey S/o Ram Jatan Pandey, aged about 59 years, R/o House
No. Ring Road No. 1, Sanjay Nagar, Raipur (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Department of Scheduled Tribe and Scheduled Caste Development, Mahanadi Bhawan, Mantralaya, Post & P S Mandir Hasaud, Raipur (Chhattisgarh)
2. Collector, Raipur (Chhattisgarh)
3. Commissioner, Tribal Development, Indrawati Bhawan, Raipur (Chhattisgarh)
4. Additional Collector, Raipur (Chhattisgarh)
5. Assistant Commissioner, Tribal Welfare, Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Varun Sharma along with Shri Arvind Ku. Dubey, Advocates
For respondent/State	:	Shri Adhiraj Surana, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****10/03/2017**

The present writ petition has been filed challenging the order dated 08.02.2017 which is an order of termination from service invoking the provisions of sub Rule 9 of Rule 10 of Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (for short "the CCA Rules"). In addition, also invoking Sub Rule 3 of Rule 10 of CCA Rules the Authorities have ordered for recovery of Rs.31,87,810/- from the petitioner.

2. At the outset, this Court is not inclined to entertain the present writ petition on the simple reason that the impugned order is an appealable order under Section 23 of CCA Rules. It is settled position of law that where there

is a statutory alternative remedy available, the writ Court would not entertain the writ petition straightaway.

3. Counsel for the petitioner submits that on an earlier occasion during departmental enquiry, he had moved an objection before the Enquiry Officer for a common proceeding along with the three other persons who were also charge-sheeted but the said objection was rejected. According to the counsel for the petitioner, the respondents ought to have conducted a common proceeding along with the other similarly placed persons. He therefore prays that the appellate authority may be directed to consider the said ground also while deciding the appeal of the present petitioner.

4. Accordingly, the present writ petition stands dismissed with the aforesaid liberty conferred upon the petitioner to ventilate his grievances by availing the remedy of appeal first and only thereafter if his grievance still remains, he has a right to file a writ petition. Subject to the appeal being filed, the Appellate Authority shall decide the same expeditiously.

Sd/-
(P. Sam Koshy)
JUDGE