

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1367 of 2017**

- S.K.Mishra S/o K.P. Mishra Aged About 58 Years (Presently Suspended At Attached With District Jail Raigarh), Raigarh, District- Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through: Secretary, Home Department (Jail And Reformatory Services, Raipur, District Raipur, Chhattisgarh
2. Principal Secretary, Home/jai, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
3. Director General Of Jail And Reformatory Services, Raipur, District Raipur, Chhattisgarh
4. Superintendent Of Jail, District Jail Raigarh, District- Raigarh, Chhattisgarh

---- Respondents

For Petitioner:	Mr. Nasimuddin Ansari, Advocate
For State:	Mr. Gary Mukhopadhyay, Dy. Government Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****21.03.2017**

1. The challenge through the present Writ Petition is the order dated 28.10.2015 (Annexure P/1). The order under challenge is the order of suspension.
2. This Court is not inclined to entertain the Petition on more than one ground. First the order of suspension was issued as early as on 28.10.2015 i.e. almost about 1½ years ago, as such there is huge delay in filing of the petition in assailing the order of suspension. Secondly, the order of suspension is an appealable order under Rule 23 of the Chhattisgarh Civil Services

(Classification, Control and Appeal) Rules, 1966 which provides provision for an appeal against order of suspension. It does not appear that the Petitioner has preferred any appeal.

3. Moreover, according to the Petitioner the Director General of Jail is not competent to issue an order of suspension.
4. This contention of the Counsel for the Petitioner would not be sustainable for the reason that the rule 9 second proviso of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 clearly envisages that the order of suspension can also be issued by an officer lower in rank than the appointing authority, however with a rider of immediately sending intimation in this regard to the appointing authority. The note attached to the order of suspension clearly reflects that the Director General of Jail has forth with issued instruction in this regard to the Principal Secretary (Home/Jail) in respect of placing of the Petitioner under suspension seeking for his approval.
5. Thus, for the aforesaid reasons this Court does not find any illegality and infirmity in passing of the impugned suspension order.
6. Accordingly, the present Petition stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE