

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVIEW PETITION NO. 65 OF 2017

S.K. Mishra, S/o K.P. Mishra, aged about 58 years (presently suspended and attached with District Jail, Raigarh), Raigarh, District Raigarh (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Home Department (Jail & Reformatory Service), Raipur, District Raipur (C.G.)
2. Principal Secretary, Home/Jail, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)
3. Director General of Jail and Reformatory Services, Raipur, District Raipur (C.G.)
4. Superintendent of Jail, District Jail Raigarh, District Raigarh (C.G.)

... Respondents

For Petitioner:	Mr. N.K. Chatterjee and Mr. S. Verma, Advocates.
For Respondents:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/07/2017

1. The present Review Petition has been preferred by the Petitioner on the solitary ground that the suspension order has been issued by an officer who is not competent.
2. According to the learned Counsel for the Petitioner, the suspension order has not been issued by the appointing authority but is by an officer lower in the rank than the appointing authority.
3. At this juncture, it is relevant to take note of paragraph 4 of the order dated 21.3.2017 of which the review has been sought for. In the said order, this Court has categorically dealt with the condition and has also, referring to the Proviso to Rule 9 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966, held that the Rules do envisage an order of suspension to be passed by an officer lower than the appointing authority. In view of the same, this Court does not find any error apparent on the face of the record, calling for an interference with the impugned order.

4. The Review Petition thus being devoid of merits the same is accordingly dismissed.

/sharad/

Sd/-
(P. Sam Koshy)
Judge