

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2339 of 2017

Neelam Toppo S/o Late Shri Carlus Toppo, Aged About 47 Years
Presently Posted As Tahsildar, Dabhra, District Janjgir-Champa,
Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Mantralaya, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur, Chhattisgarh.
2. Commissioner, Bilaspur Division, Bilaspur, Chhattisgarh.
3. Addl. Commissioner, Bilaspur Division, Bilaspur, Chhattisgarh.
4. Collector, Raigarh, Chhattisgarh. **---- Respondents**

For Petitioner	:	Mr. B.D. Guru, Advocate
For State	:	Mr. Dheeraj Wankhede, G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/05/2017

Heard.

1. This petition has been filed by the petitioner assailing correctness and validity of order dated 27.03.2017 by which a penalty of withholding two increments without cumulative effect has been imposed.
2. Though, the petitioner has preferred an appeal, this petition has been filed by the petitioner against the order of punishment by submitting that as the order of penalty was passed by the Government by order and in the name of the Governor, the remedy of appeal before the Governor will be illusionary.
3. The appeal of the petitioner is submitted before the Governor who is constituted appellate authority under the Chhattisgarh Civil Services (Classification, Control And Appeal) Rules, 1966.

4. The capacity in which the appellate authority considers the appeal is different from the authenticated order which are passed by the Government, by order and in the name of the Governor. The remedy of appeal is not illusory but substantive one. Therefore, the petitioner should pursue his remedy of appeal.

5. The appeal has been preferred by the petitioner only on 07.04.2017. Therefore, at this stage, no time bound direction can be issued but it has to be observed that the Appellate Authority are required to be decided the appeal of the petitioner at the earliest. In case, the appeal is not decided within the reasonable period, it would be open for the petitioner to take recourse to appropriate remedy as may be available to him under the law.

6. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge