

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5204 of 2017

Agar Ram Rana S/o Jagannath Rana Aged About 52 Years R/o Tahsildar
Residence, District Balod Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Revenue, Mantralaya, Mahanadi Bahwan, Naya Raipur District Raipur Chhattisgarh.
2. Under Secretary , Revenue Department, Mantralaya, Mahanadi Bahwan, Naya Raipur District Raipur Chhattisgarh.
3. Collector, Balod, District Balod Chhattisgarh.

---- Respondents

For Petitioner	:	Shri T.K. Tiwari, Advocate
For State	:	Shri Satish Gupta, Govt. Advocate

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

Order On Board

04/10/2017

Heard.

1. By this petition, the petitioner has assailed legality and validity of order dated 6th September 2017 by which he has been placed under suspension.
2. The grounds which are raised to assail the order of suspension do not relate to jurisdiction, incompetency of the authority in issuing suspension order on any allegation of malafide.
3. According to learned counsel for the petitioner, the suspension order does not contain specific detail of the misconduct which has led to his suspension. It is submitted that the suspension order has been issued in violation of the circular dated 23rd November 2010 seeking to regulate the discretionary power of suspension.
4. The grounds which have been raised by the petitioner in this petition could be very well raised by filing appeal under Rule 23 of Civil Services (Classification,

Control and Appeal) Rules, 1966. It needs no authority for the settled legal position that in the absence of there being any ground of challenge based on competency, jurisdiction and malafide, ordinarily the writ Court would not interfere with an order when there exists an alternative remedy of appeal referred to above. Therefore, in that view of the matter, the petition is dismissed though with liberty to the petitioner to challenge his suspension on such grounds as may be available to him under the Law including the grounds raised in this petition.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen