

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2349 of 2014**

S.K. Khandelwal S/o Shri J.P. Khandelwal Aged About 55 Years Working As Sub Engineer, Water Resource Department (Under Suspension), Presently Posted At Office Of Sub Divisional Officer, Sub Division Basna, District Mahasamund, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through its Principal Secretary, Water Resources Department, Mahanadi Bhawan, Naya Raipur, Police Station Rakhi, District Raipur, Chhattisgarh
2. Collector Mahasamund, District Mahasamund, Chhattisgarh
3. Engineer-In-Chief Water Resources Department, Raipur, Chhattisgarh
4. Executive Engineer, Water Resources Department, Division Mahasamund, District Mahasamund, Chhattisgarh
5. Sub Divisional Officer, Water Resource Department, Kodar Head Works Sub Division, District Mahasamund, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Manish Nigam, Advocate
For State	:	Ms. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****26/07/2018**

1. The challenge in the present writ petition is to the order of suspension (Annexure P/1) dated 13.04.2010. The writ petition was filed as early as in the year 2014.
2. The respondents in their return have come up with a stand that the Collector, who had earlier issued the order of suspension, has himself revoked the order of suspension on 30.05.2014 and as such the substantive grievance of the petitioner stands redressed.
3. Mr. Nigam at this stage makes a submission that now that the suspension has been revoked and the issue whether the Collector could have issued the order of suspension, so far as the petitioner is

concerned, who is a class-II gazetted officer, the same also is no longer ***res integra*** in the light of the decisions of this Court rendered in the case of “***A.K. Jain vs. State of Chhattisgarh***” WPS No. 3160/2006 decided on 09.10.2014 and many more subsequent decisions in this regard, hence the only issue left would be how the intervening period would be treated.

4. This Court has no hesitation in holding that when there is no dispute to the fact that the petitioner is a class-II gazetted officer, then the Collector undoubtedly was not having the power and competence to place the officer under suspension and the order of suspension if at all would be ***ab initio void*** and now that the order of suspension has been revoked. The said intervening period has to be for all practical purposes treated as the petitioner was in service.
5. With all the consequential benefits, the writ petition stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge