

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 1087 of 2018**

Ku. Savita Sharma D/o Dr. Shri Vijay Kumar Sharma, aged about 43 years, Posted as Food Inspector, Food Civil Supplies and Consumer Protection Department, Bilaspur, District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary, Food, Civil Supplies and Consumer Protection Department Mahanadi Bhawan Naya Raipur, District Raipur, Chhattisgarh
2. Director, Food, Civil Supplies and Consumer Protection Department, Indravati Bhawan, Raipur, District Raipur, Chhattisgarh
3. Doman Singh, Director, Food, Civil Supplies and Consumer Protection Department Indravati Bhawan, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Anup Majumdar, Advocate
For Respondent/State	:	Shri Dhiraj Wankhede, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09/02/2018**

The challenge in the present writ petition is to the order dated 09.01.2018 whereby the services of the petitioner have been placed under suspension and her headquarter has been changed from Bilaspur to Sarguja.

2. Counsel for the petitioner submits that a plain reading of the order of suspension itself shows that there is malafide in the issuance of the suspension order. He submits that the same has been issued to deprive the petitioner of the forth coming promotion which otherwise she would have been entitled for the next higher post of Food Officer. He submits that the annual confidential report has also been called from the eligible candidates including the petitioner. Even

otherwise the nature of allegation put forth in the order of suspension itself would reveal that there is no misconduct as such committed by the petitioner and the same deserves to be interfered by this Court in exercise of its writ jurisdiction under Article 226 of the Constitution of India. Appeal

3. Having perused the records what is reflected is that the order of suspension is an appealable order under the service rules. The petitioner seems to have not preferred an appeal till date against the order of suspension though it has been passed on 09.01.2018.

4. Given the said facts, this Court is of the opinion that ends of justice would meet if the present writ petition at this juncture is disposed of with liberty to the petitioner to file an appeal against the order of suspension to the appellate authority and in the appeal, the petitioner would be at liberty to raise all the grounds which she has raised in the present writ petition. On the appeal being so filed within a period of 20 days from the date of receipt of certified copy of this order, the appellate authority is required to consider and decide the appeal of the petitioner within a further period of 45 days from the date the appeal is received in the Office of the appellate authority. It is made clear that the appellate authority shall independently apply his mind and consider the contents of the appeal and decide the same objectively.

5. Needless to mention that the petitioner would also be at liberty to seek the indulgence of the appellate authority for retaining her at the present place of posting as according to the petitioner she may otherwise find it difficult to participate in the departmental enquiry. This fact shall also be considered by the appellate authority while deciding the appeal.

6. The writ petition stands disposed of at this juncture.

**Sd/-
(P. Sam Koshy)
JUDGE**