

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1336 of 2018**

Vinod Kumar Yadav S/o Suraj Yadav, Aged About 30 Years Suspended
Sub Engineer, Presently Posted At Nagar Panchayat Pathariya, District
Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Urban
Administration And Development, Mahanadi Bhavan, New Raipur, District
Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Director, Department Of Urban Administration And Development,
Mahanadi Bhavan, New Raipur, District Raipur, Chhattisgarh., District :
Raipur, Chhattisgarh
3. Collector, Mungeli, District Mungeli, Chhattisgarh., District : Mungeli,
Chhattisgarh
4. Chief Municipal Officer, Nagar Palik Nigam, Mungeli, District Mungeli,
Chhattisgarh., District : Mungeli, Chhattisgarh

....**Respondents**

For Petitioner	:	Mr. Hemant Kesharwani, Advocate
For State	:	Mr. Ratan Pusty, Government Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

09.02.2018

Heard.

1. The present writ petition has been filed assailing order dated 20.03.2017 passed by the Collector District Mungeli placing the petitioner under suspension. The grievance of the petitioner is that though the petitioner was placed under suspension vide order dated 20.03.2017 (Annexure P/1) till date, the respondents have not proceeded further with the order of suspension in as much as no show cause notice, no charge sheet has been issued to the petitioner nor any departmental enquiry if any initiated. He further submits that even though 10 months have elapsed, the petitioner is still placed under suspension and he is also not provided with the subsistence allowance.

2. Though, usually this Court would not be inclined to entertain the writ petition assailing the order of suspension but in the aforesaid factual matrix which has been adduced, this Court is inclined to entertain the petition and the writ petition stands disposed off with direction that the petitioner shall prefer an appeal before respondent No.2 the Director, Department of Urban Administration and Development within a period of 15 days from today. The petitioner would also bring these facts to the notice of the appellant authority i.e. respondent No.2 and the appellate authority is directed to consider the case of the petitioner on its own merits and pass an order within a further period of 30 days from the date of receipt of the appeal by the petitioner. While deciding the petition, the appellate authority should also keep in mind the fact that the petitioner has not been given subsistence allowance and would also consider whether to continue with the suspension order or not.

3. With the aforesaid direction, the petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge