

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.2230 of 2018

Vinod Kumar Sinha S/o S/o Late Shri Narsingh Prasad Aged About 55 Years Occupation- Service, Presently Under Suspension To The Last Served Post As Accountant In The Office Of Assistant Commissioner, Tribal Welfare Balrampur, District- Balrampur- Ramanujganj, Chhattisgarh. R/o Ward No. 4, Post And P. S. Ramanujganj, Tehsil- Ramanujganj District- Balrampur- Ramanujganj, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Tribal Welfare Department, Mahanadi Bhawan, Naya Raipur, Revenue And Civil District Raipur, Chhattisgarh.
2. Commissioner Tribal Welfare, Indrawati Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
3. Assistant Commissioner, Tribal Welfare Balrampur- Ramanujganj, District- Balrampur- Ramanujganj Chhattisgarh.
4. Collector Balrampur- Ramanujganj, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Respondents

For petitioner	:	Shri Sarfaraz Khan, Advocate.
For State	:	Shri Sangharsh Pandey, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/03/2018

1. The challenge in the present writ petition is to the order dated 27.02.2018 whereby the petitioner has been placed under suspension.
2. The ground of challenge is that, the order of suspension has been passed by the Collector who is not a disciplinary authority or appointing authority of the petitioner and therefore, the order of suspension has been issued by an unauthorized person and the same is therefore bad in law. He submits that Rule 9 of The Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (in short Rules, 1966) specifically holds that an order of suspension can be passed by the disciplinary authority or any other authority empowered in that behalf

by the Governor or the disciplinary authority. However, in the instant case the authority who has passed the suspension order is neither the appointing authority nor is the disciplinary authority, and therefore, the same deserves to be set aside/quashed.

3. A perusal of records would show that the State of MP as early as on 23.05.1996 have issued a notification whereby the power for suspension had been delegated and vide the said circular the power to suspend Class-III & IV category employees was also vested with the Collector and so far as suspension of Class-I & II category employees is concerned, power was vested with the Commissioner.
4. The circular is still in force and further Rule 9(1) of Rules, 1966 specifically holds that order of suspension can be issued by any authority empowered on behalf of the Governor by general or speaking order. Notification dated 23.05.1996 falls under one such category and if the Collector invoking the power so conferred upon it, have placed the petitioner under suspension on the ground of his being involved in the criminal case, the same cannot be said to be either bad in law or is without authority. This view of the court stands fortified from the decision of this court passed in R.P. Parihar Vs. State of Chhattisgarh & Ors. 2015 LabIC 2458.
5. Moreover, Rule 9(1)(b) of Rules, 1966 specifically deals with situation where a person can be placed under suspension if there is criminal offence under investigation, inquiry or trial against an employee.
6. The writ petition is accordingly dismissed.

Sd/-
(P.Sam Koshy)
Judge