

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 2626 of 2018

Smt.Anita Agrawal W/o Shri P.K.Agrawal, aged about 50 years, Occupation District Program Officer, Posted at Woman and Child Development Office Collectorate Raigarh, R/o Dhimrapur Chowk, Near Hanuman Mandir, Raigarh, P.S.City Kotwali, District Raigarh (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh, Through it's Secretary, Women and Child Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.).
2. The Collector, District Raigarh (C.G.).
3. Tikendra Jatwar, Posted at Woman and Child Development Department, Collectorate, District Raigarh (C.G.).

---Respondents

For petitioner	:	Shri Roop Naik, Advocate.
For State	:	Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/03/2018

1. The challenge in the present Writ Petition is to the order of suspension dated 14/09/2017 whereby the authorities have refused to grant joining to the petitioner.
2. The facts of the case in brief is that, the petitioner was working on the post of District Program Officer under the Women and Child Development Department, Raigarh. That on 29/05/2017, the petitioner's services was placed under suspension under rule 9 of the Chhattisgarh Civil Services (Classification, Control and Appeals), 1966.

3. According to the counsel for the petitioner, since the petitioner has not been issued with a chargesheet after her suspension, the suspension order automatically would stand revoked by operation of law and she was entitled for resuming her duties which has been rejected by the authorities vide the impugned order.

4. This Court is not inclined to accept the said principle of law canvassed by the counsel for the petitioner for the reason that, perusal of record would show that the petitioner has already been subjected to a departmental enquiry even before suspension order was passed and the said enquiry is pending consideration before the authorities concerned.

5. Moreover, the order of suspension is an appealable order. It does not reflect from the record that the petitioner has ever approached the respondents for revocation of suspension order.

6. Moreover, the provisions of rule 9 does not provide for any such clause wherein the suspension order would stand automatically revoked in case if the chargesheet is not issued to the delinquent within a period of 90 days.

7. Thus, the counsel for the petitioner is directed to approach the authorities concerned once again for revocation of suspension taking all these grounds which the petitioner has raised in the present Writ Petition and on such representation being made, the authorities concerned shall take a decision objectively. They shall also consider the aspect whether the petitioner was placed under suspension for the same reason for which she was being prosecuted in the departmental enquiry and shall also consider

the requirement of further keeping the petitioner under suspension. Let this exercise be done within a period of 4 months from the date the petitioner submits a detailed constituted representation.

8. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit