

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 2837 of 2018**

Ravindra Kumar Jha S/o Late Dhruw Kumar Jha, aged about 49 years,
 Posted as Physical Training Instructor (PTI), Girls Shiksha Parisar,
 Geedam (Javanga), District Dantewada, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh
2. The Divisional Commissioner, Bastar Division, Jagdalpur, District Bastar, Chhattisgarh
3. The Collector, District South Bastar Dantewada, Chhattisgarh
4. The District Education Officer, Dantewada, District South Bastar Dantewada, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Kamlesh Kumar Pandey, Advocate
For Respondent/State	:	Shri B. Gopa Kumar, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****05/04/2018**

The challenge in the present writ petition is to the order dated 15.03.2018 Annexure P-1 which is an order of placing the petitioner under suspension contemplating departmental enquiry.

2. The ground of challenge is that the order of suspension has been issued by the Collector who is not the appointing authority and therefore, the impugned order deserves to be set aside.

3. At the outset, this Court finds that the order of suspension, in the instant case, has been issued under the provisions of Chhattisgarh Civil Services

(Classification, Control and Appeal) Rule, 1966 (hereinafter referred as "CCSCCA Rules"). The said order of suspension is an appealable order under Rule 23 of the CCSCCA Rules. In the instant case it appears that the petitioner has not preferred an appeal to the appellate authority till now.

4. So far as the aspect whether the Collector can issue an order of suspension is concerned, there is a notification of the State Government in this regard wherein under Rule 9 of CCSCCA Rules, the State Government has notified the Collector also having the power for placing employees of Class-III and Class-IV category within the District under suspension.

5. Given the said facts, let the petitioner prefer an appeal before the appellate Authority challenging the impugned order within a period of four weeks from today and in turn the appellate authority shall consider and decide the appeal preferred by the petitioner at the earliest.

6. The writ petition thus stands disposed of.

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