

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 2850 OF 2018**

• Girdhari Lal Agrawal, aged about 55 years, S/o Late Shri Hariram Agrawal, R/o Ward No.4, Agrawal Dharamsala Road, Saraipali, District Mahasamund (C.G.) **... Petitioners**

versus

1. Chhattisgarh State Agriculture Marketing Mandi Board, through the Managing Director, G.E. Road, Telibandha, Raipur, District Raipur (C.G.)
2. Managing Director, Chhattisgarh State Agriculture Marketing Mandi Board, G.E. Road, Telibandha, Raipur, District Raipur (C.G.)
3. Collector, Mahasamund, District Mahasamund (C.G.) **... Respondents**

For Petitioner : Ms. Shailja Shukla, Advocate.

For Respondent 3 : Mr. Sangarsh Pandey, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/04/2018

1. The order under challenge in the present writ petition is Annexure P-1 dated 27.2.2018. Ground of challenge is that the order of suspension does not reflect whether the department intends to hold a departmental enquiry or not. Further, it is alleged that the allegations are fake and false.

2. At the outset it is reflected that the order of suspension is an appealable order under Regulation 36 of the Regulations governing the service conditions of the petitioner. Further, the only because the order of suspension does not contain the word that it is contemplating a departmental enquiry, by itself would not vitiate the order of suspension as it is open for the department to initiate departmental enquiry even after suspending the petitioner. Moreover, perusal of order of suspension would show that there are serious allegations levelled. In exercise of its power of judicial review of this Court under Article 227 of the Constitution of India this Court would not substitute itself as an appellate authority to decide the veracity of the charges and also to enquire whether departmental enquiry is contemplated or not. All these are facts which have to be considered by the departmental authority which in the instant case would be the appellate authority.

3. Accordingly, the present writ petition is being disposed of at this juncture holding that, let the Petitioner prefer an appeal before the Chairman against the impugned order dated 27.2.2018 (Annexure P-1) within a period of two weeks from today and thereafter the Chairman shall consider and decide the appeal at the earliest.

4. This Court has not expressed any opinion on the merits of the case. It shall be open for the Chairman to decide the appeal purely in accordance with law.

5. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(P. Sam Koshy)
Judge