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**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 3116 of 2018**

Harish Rathore S/o S/o Shri Dev Prasad Rathore, Aged About 41 Years Posted As Hostel Superintendent (Now Suspended) R/o. Qtr. No. Mig-II/ 107, Pandit Ravishankar Shukla Nagar, Korba, Post Kosabadi, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Tribal Welfare, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Commissioner, Tribal Welfare And Development, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Additional Commissioner, Tribal Development, Korba, District- Korba Chhattisgarh., District : Korba, Chhattisgarh
4. Collector, (Tribal Development), Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

**---- Respondents**


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| For Petitioner       | : Shri C.K. Kesharwani, Advocate.     |
| For Respondent/State | : Shri Ashutosh Pandey, Panel Lawyer. |

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**Hon'ble Shri P. Sam Koshy, Judge****Order on Board****18/04/2018**

1. The challenge in this writ petition is to the order dated 27.11.2017 (Annexure P/1) and the subsequent, charge-sheet has been issued on 8.1.2018.
2. The counsel for the Petitioner tries to submit that the charges leveled against the Petitioner are totally baseless and does not find any sufficient evidence against the present Petitioner to be prosecuted. Perusal of the record would show that the order of suspension has been issued invoking the provisions of Rule 9 of the Chhattisgarh Civil Services (Classification, Control and Appeal)

Rules, 1966; hereinafter referred to as 'Rules, 1966'. Rule 23 of the said Rules, 1966 provides for an appeal against an order of suspension. From the record, it appears that the Petitioner has not preferred any appeal against the order of his suspension dated 7.9.2011. The present petition has been filed after the six months of the issuance of order of suspension.

3. Given the factual scenario, this Court is of the opinion that ends of justice would be served if the writ petition is disposed of with a direction to the Petitioner that he prefer a detailed appeal against the order of his suspension before the appellate authority within a period of 15 days from today and on receipt of such appeal, the appellate authority shall consider and decide the appeal of the Petitioner at the earliest preferably within a period of 60 days from the date of receipt of appeal by the Petitioner. The appellate authority shall also consider the aspect whether the stoppage of the subsistence allowance of the Petitioner is justified or not. *Prima facie*, this Court is of the view that the subsistence allowance of a delinquent employee during the period of suspension cannot any under circumstances be stopped.

4. The writ petition is accordingly disposed of.

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