

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.3243 of 2018

Kunjbihari Dadsena S/o late Shri Dhansai Dadsena, aged about 57 years, R/o Sage Estate, Saraipali, Police Station and Tehsil Saraipali, District Mahasamund (CG).

---- Petitioner

Versus

1. State Of Chhattisgarh Through its Secretary, Department Of Revenue and Disasater Management, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh.
2. Collector, Office of Collectorate, Mahasamund, District Mahasamund (CG).
3. Sub Divisional Officer (Revenue), Saraipali, District Mahasamund (CG).

---- Respondents

For petitioner	:	Shri Abhishek Pandey, Advocate.
For State	:	Shri B.Gopa Kumar, Dy. AG.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/04/2018

1. The order under challenge is Annexure P/4 dated 20.03.2018. Vide the said order, the services of the petitioner was placed under suspension invoking Rule 9 of Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966.
2. The said order of suspension is an appealable order under Rule 23 of the said Rules, 1966.
3. The counsel for the petitioner submits that the present writ petition may be disposed of in the light of the order passed by this court in WPS No.701 of 2013 (K.N. Kashyap Vs. State of Chhattisgarh & Others) decided on 18.03.2013.
4. The State counsel though do not dispute the prayer of the petitioner for disposal of the present petition in the light of the judgment of this court

in case of K.N. Kashyap (Supra), however he submits that since in the instant case the order of suspension dated 20.03.2018 having already come in to operation for more than one month, no interim order as such should be passed in favour of the petitioner staying the effect and operation of the suspension order.

5. Having heard the contentions put forth on either side and on perusal of records, this court is of the opinion that since the order under challenge is an appealable order under Rule 23 of Rules, 1966, let the petitioner prefer an appeal under the said Rules to the appellate authority within a period of one week from today. Along with appeal, the petition shall also be entitled to move an application for stay of the order of suspension. The appellate authority is expected to take a decision first on the interim application so filed and thereafter shall proceed to decide the appeal on merits at the earliest in accordance with law.
6. The writ petition is accordingly disposed of.

Sd/-
(P.Sam Koshy)
Judge