

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3178 of 2018**

Gopal Prasad Dubey, S/o. Shri Rasik Lal Dubey, Aged About 61 Years R/o Working As In Charge Chief Municipal Officer, Nagar Panchayat Kirodimal Nagar, Police Station- Kotra Road, District Raigarh, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Joint Secretary, Department Of Urban Administration, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.

----Respondents

For Petitioner	:	Mr. K.P.S. Gandhi, Advocate
For State	:	Mr. Aushutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****20/04/2018**

1. The challenge in the present writ petition is to the order Annexure P/1 dated 27.03.2018, whereby the services of the petitioner has been placed under suspension.
2. The counsel for the petitioner submits that the order of suspension is malafide for the simple reason that the petitioner was earlier transferred on 12.03.2018 against which the petitioner had preferred a writ petition i.e. WPS No. 2628/2018. This Court had disposed of the said writ petition on 27.03.2018, wherein this Court disposed of the writ petition directing the petitioner to prefer a representation to the respondents and till his representation is decided, he would be permitted to retain at Nagar Panchayat, Kirodimal, District Raigarh. However on the same date i.e. on 27.03.2018, the services of the petitioner were placed under suspension. This according to the

petitioner is a vindictive approach of the respondents and the same deserves for interference.

3. A plain reading of the order of suspension would reveal that he has been placed under suspension for certain acts, which he had committed prior to 12.03.2018 i.e. the issuance of the order of transfer. If that be so, this Court cannot come in the way of the respondents in conducting of a departmental inquiry, if any, against the petitioner for any illegalities, irregularities or misconduct committed by him.
4. It is settled position of law that the writ Court under Article 226 of the Constitution of India exercising its extraordinary writ jurisdiction would not as a matter of routine substitute itself as a disciplinary authority or an appellate authority.
5. If at all, if the petitioner is aggrieved by the decision of his being placed under suspension, he has a right to approach to the higher authorities in the department by preferring an appeal or by making suitable representation to the authorities, with which he could claim for revocation of order of suspension.
6. In view of the same, this Court does not find any strong case made out by the petitioner at this juncture. The writ petition thus stands dismissed.

Sd/-
(P. Sam Koshy)
Judge