

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 3749 of 2018

Mahesh Kumar Tunde S/o Shri Rambaks Tunde, Aged About 38 Years, Forester, Zone (Parikshetra), Khadgawan, District Koriya, Chhattisgarh, R/o Village And P. O. Budhar, Tahsil Baikunthpur, District- Koriya, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Forest Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
2. Divisional Forest Officer, Koriya Division, Baikunthpur, District- Koriya, Chhattisgarh.
3. Sub-Divisional Forest Officer (Up-Vanmandladhikari), Sub-Division South Koriya, Baikunthpur, District- Koriya, Chhattisgarh.
4. Forest Ranger (Parikshetradhikari), Zone Khadgawan, District- Koriya, Chhattisgarh.

---Respondents

For petitioner	:	Ms.Meena Shastri, Advocate.
For State	:	Shri S.P.Kale, Dy.A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/05/2018

1. The challenge in the present Writ Petition is to the order of suspension dated 16/04/2018.
2. The allegation against the present petitioner is of showing negligence in his duty as a result of which there was a fire took place in the forest causing huge loss to the department.
3. The counsel for the petitioner submits that, though the impugned order is an appealable order, but the facts remains that the petitioner has been

victimized in the instant case and that there are circulars of State Government wherein it has been held that, in case if a delinquent employee is from the reserved category, then a sympathetic and liberal approach should be shown and taken by the respondents in disciplinary matters.

4. She further submits that, the petitioner in the instant case is not responsible for the fire and that so far as the petitioner's role is concerned, he had promptly taken all necessary steps within his powers and therefore he could not have been subsequently held responsible. She further submits that apart from the petitioner, there were other people also posted in the area along with the petitioner, but no action have been initiated against any of the other persons working at the place of incident on the relevant date, only the petitioner has been victimized.

5. Considering all the aforesaid submissions made by the counsel for the petitioner, this Court is of the opinion that the order of suspension being an appealable order, the petitioner having not preferred an appeal, nor has he raised any objection/representation against the said order before any of the higher authorities and the contentions raised by the counsel for the petitioner in the instant Writ Petition are all matter of fact finding, which would be best taken care of by the appellate authority while deciding the appeal of the petitioner.

6. In the given facts, this Court is not inclined to entertain the instant Writ Petition at this stage.

7. Thus, the instant Writ Petition stands disposed off reserving the right of the petitioner to prefer an appeal against the impugned order before the

appellate authority and the appellate authority in turn is directed that in the event if the petitioner prefers an appeal against the impugned order, the appellate authority shall take into consideration all the contentions raised in the said appeal and shall decide the same as expeditiously as possible by a reasoned or speaking order in accordance with the rules applicable.

8. Subject to the petitioner preferring an appeal within 15 days from today, the appellate authority should decide the same within a further period of 60 days from the date of receipt of representation of the petitioner.

9. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit