

**HIGH COURT OF CHHATTISGARH, BILASPUR****WRIT PETITION (S) NO. 4117 OF 2018**

Krishna Kumar Dewangan S/o S/o Late Shri Kedarnath Dewangan  
Aged About 56 Years R/o Quarter No. B-33, Vijaypuram Phase- I,  
Seepat Road Sarkanda, Police Station- Sarkanda, District Bilaspur,  
Chhattisgarh.

**...Petitioner(s)****Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Department, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Director, Directorate, Panchayat And Rural Development Indravati Bhawan, Naya- Raipur, District Raipur, Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat Bilaspur, District Bilaspur, Chhattisgarh.
4. Chief Executive Officer, Janpad Panchayat Masturi, District Bilaspur, Chhattisgarh.
5. Deputy Director, Panchayat And Rural Development New Composite Buliding, Bilaspur, District Bilaspur, Chhattisgarh.

**... Respondent(s)**


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| For Petitioner       | : | Shri KPS Gandhi, Advocate.            |
| For Respondent-State | : | Shri Shashank Thakur, Govt. Advocate. |

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**Hon'ble Shri Justice P. Sam Koshy****Order on Board****04.07.2018.**

1. The challenge in the present writ petition is to the order dated 28.03.2018 placing the petitioner under suspension and also the order dated 27.04.2018 whereby the petitioner has been served with charge sheet.
2. The solitary ground raised by the petitioner challenging the two orders passed by the respondents is that of Chief Executive Officer, Zila Panchayat, Bilaspur not being competent officer for firstly placing the petitioner under suspension and secondly ordering for disciplinary enquiry. He refers to the Schedule under Chhattisgarh

Civil Services (Classification, Control and Appeal) Rules, 1966 (in short, the Rules, 1966) whereby the appointing authority of the petitioner has been reflected as Deputy Director (Panchayat), and therefore, suspension order and the charge sheet having been issued by the Chief Executive Officer is not sustainable.

3. On the other hand, the State counsel took the court through the notification dated 21.02.2000 whereby the State Govt. had granted delegation of powers upon the Chief Executive Officer of the Zila Panchayat to suspend and impose minor punishment in respect of Class-III & IV government servant of the various department which includes Panchayat and Rural Development Department also.
4. According to State counsel, since this notification is in force in the State of Chhattisgarh as well, the Chief Executive Officer having issued charge sheet so also placing the petitioner under suspension cannot be said to be either bad in law or erroneous. Nor can it be said to be contrary to the provisions of the Rules, 1966.
5. Having heard the counsel for the parties and having perused the record it would be relevant to refer the notification dated 21.02.2000 which for ready reference is being reproduced herein as under:

“Bhopal, dated 21<sup>st</sup> February, 2000.

No.C-6-9(A)-99-3-one-without prejudice to the generality of the powers conferred under the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966 and in exercise of the powers conferred by Sub-rule (1) of Rule 9, Sub-Rule (2) of Rule 12 and Rule 24 of the said Rules, the Govt. of Madhya Pradesh hereby empowers the Chief Executive Officers of the concerned Zila Panchayat

to suspend or to impose minor penalties as specified in clause (i) to clause (iv) of Rule 10 of said rules, in respect of such class III and Class IV Government servants of the department of Scheduled Caste and Scheduled Tribe Welfare, Agriculture, Panchayat & Rural Development, Veterinary, Fisheries, Women and Child Development, Public Health and Family Welfare, Medical Education, School Education, Social Welfare and Rural Industries whose services have been placed by the State Government under the Control of Panchayats under the provisions of clause (xii) of sub-section (1) of Section 52 of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (NO.1 of 1994) and such Government servant may prefer an appeal against the order of the Chief Executive Officer to the head of the concerned department.

By order and in the name of Governor of Madhya Pradesh.”

6. Indisputably the petitioner though substantively was an employee of the Panchayat and Rural Development Department, but his services have been placed with the Zila Panchayat and that he is under the administrative control of the Chief Executive Officer, Zila Panchayat. The petitioner has been issued with charge sheet wherein serious allegations were levelled against the petitioner and Departmental Enquiry is also contemplated. Now the petitioner intends to challenge the suspension order and issuance of charge sheet only on the ground of competency of the officer who has issued the orders.
7. Taking into consideration the aforesaid facts and circumstances of the case, particularly taking note of the contents of the notification

reproduced in the preceding paragraph, it is evidently clear that the State Govt. itself vide notification dated 21.02.2000 had delegated the power of placing the employee of Class-III & IV category under suspension. At the relevant point of time the petitioner was under the administrative control of the Chief Executive Officer and Panchayat and Rural Development Department was one such department whose Class-III & IV employees could be placed under suspension by the Chief Executive Officer. In the instant case, in addition to the notification, the fact that at the relevant point of time the petitioner was under the administrative control of the Chief Executive Officer also strengthens the submissions of the State counsel.

8. The writ petition thus being devoid of merit deserves to be and is hereby rejected.
9. Reluctance to entertain this petition would not preclude the petitioner from availing other departmental remedies like preferring an appeal and making representations before the concerned authority etc.

Sd/-

(P. Sam Koshy)  
**Judge**