

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 4682 of 2018**

Ramesh Kumar Sinha S/o Shri Narsingh Ram Sinha, Aged About 43 Years, Occupation Panchayat Secretary of Village Panchayat Nawapara, (Ko) Block Chhura, Janpad Panchayat Chhura, Tahsil Chhura, District Gariyaband, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan Naya Mantralaya, Raipur, Chhattisgarh
2. The Commissioner, Panchayat and Rural Development Department, Indrawati Bhawan Naya Mantralaya, Raipur, Chhattisgarh
3. The Collector, District Gariyaband, Chhattisgarh
4. The Chief Executive Officer, Zila Panchayat Gariyaband, District Gariyaband, Chhattisgarh
5. The Chief Executive Officer, Janpad Panchayat Chhura, District Gariyaband, Chhattisgarh

---- Respondents

For Petitioner	:	Shri J. N. Nande, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****20/07/2018**

Challenge in the present writ petition is to the order dated 21.05.2018 Annexure P-1.

2. Counsel for the petitioner challenged the writ petition on two grounds; firstly the Chief Executive Office, Jila Panchayat, Gariyaband is not the

competent officer for placing the services of the petitioner under suspension. Second ground is that the charges which have been levelled against the petitioner are also vague and absurd and those charges would not be applicable to the petitioner.

3. So far as the first objection regarding competency of the Officer who has placed the services of the petitioner under suspension is concerned, the said ground may not be sustainable for the reason that very recently this Court in the case of Krishna Kumar Dewangan Vs. State of Chhattisgarh and others in WPS No. 4117 of 2018 on 04.07.2018 has decided the matter based upon the circular issued by the State Govt. wherein the Chief Executive Officer, Zila Panchayat has also been empowered to place an employee under suspension who is substantively under the control of the CEO of the concerned Zila Panchayat. Thus, this Court is not inclined to accept the said ground raised by the petitioner.

4. So far as the second ground is concerned, the said ground also does not have much force for the simple reason that though the counsel for the petitioner submits that the charges which have been levelled are not applicable so far as the duties which have been discharged by the petitioner is concerned but those are all facts which have been thrashed out by leading proper evidence before the authority concerned.

5. This Court cannot substitute itself as a disciplinary authority or for that matter as an appellate authority in the department to threadbare go into the details of the charges and the role played by the petitioner so far as those charges are concerned. It is impermissible within the scope of judicial review under Article 226 of the Constitution of India to hold such an enquiry.

6. However, considering the entire facts and circumstances of the case and also taking note of the nature of charges which have been levelled against the petitioner and also appreciating the fact that the petitioner has already given a detail reply to the entire charges, though this Court is not inclined to entertain the petition at this juncture, however ends of justice would serve if the writ petition is disposed of with a direction to the concerned enquiry officer to ensure that the enquiry contemplated against the petitioner is concluded at the earliest subject to the petitioner providing all necessary co-operation. It is ordered accordingly.

7. With the aforesaid observation, the writ petition stands disposed of.

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