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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5409 of 2018**

K.C. Nande S/o Shri J. L. Nande, Aged About 57 Years, Posted As Sub Divisional Officer, Rural Engineering Services, Ambagarh Chowki, R/o Ward No. 8, Amapara, Ambagarh Chowki, District Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. Chief Engineer, Rural Engineering Services, Office Of Development Commissioner, Raipur, District Raipur, Chhattisgarh
3. Collector, Rajnandgaon, District Rajnangdaon, Chhattisgarh
4. Chief Executive Officer, District Panchayat, Rajnangaon, District Rajnandgaon, Chhattisgarh
5. Chief Executive Officer Janpad Panchayat, Dongergaon, District Rajnandgaon, Chhattisgarh
6. Sarpanch Gram Panchayat Banhardih, Block Dongergaon, District Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Pravin Dhurandhar, Advocate
For State	:	Ms. Sunita Jain, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****23.08.2018**

Challenge in the present writ petition is to the order Annexure P-1 dated 05.09.2017 whereby the Collector Rajnandgaon i.e. respondent no.3 has imposed an order of punishment making recovery of an amount of Rs.4,77,328/- from the petitioner. In addition, the Collector has also

imposed punishment of stoppage of one increment without cumulative effect.

2. It is the competency of the Collector which is under challenge in the present writ petition.

3. Counsel for the petitioner refers to the circular dated 23.05.1996 wherein it has been held that for imposing of punishment upon a Class-II grade officer it is the Commissioner who has been given additional power in addition to the disciplinary authority. He submits that the petitioner in the instant case, was working on the post of Assistant Engineer discharging the duties of Incharge Sub Divisional Officer.

4. Given the said notification of the State Govt., the impugned order Annexure P-1 prima facie does not seem to be within the competence of the Collector to pass and therefore, the same is not sustainable and deserves to be and is accordingly set aside. Reserving the right of the respondents for issuance of an appropriate order in accordance with the rules governing the service condition of the petitioner by the competent authority, the writ petition stands allowed and disposed of.

**Sd/-
P. Sam Koshy
Judge**