

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 7136 of 2018

Shivkumar Tiwari S/o Late Shri Ishwardin Tiwari, Aged About 45 Years,
Posted As Secretary (Now Suspended), Gram Panchayat Mohli, Janpad
Panchayat - Kota, District Bilaspur, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
2. The Chief Executive Officer, Zila Panchayat, Bilaspur, Chhattisgarh.
3. The Chief Executive Officer, Janpad Panchayat, Kota, District - Bilaspur, Chhattisgarh.

---Respondents

For petitioner	:	Shri B.P.Singh and Shri Shikhar Bakhtiyar, Advocate.
For State	:	Shri Chandresh Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/10/2018

1. The challenge in the present Writ Petition is to the order Annexure-P/1 dated 27/09/2018 whereby the services of the petitioner has been placed under suspension.
2. Perusal of record particularly the order of suspension shows that, the order of transfer has been made on some charges of misconduct.
3. It is settled law that under Article 226 of the Constitution of India, this Court would not sit over the order of suspension as an appellate body conducting a roving enquiry into the allegations which have been made against the petitioner. If the authorities have placed the petitioner under

suspension, there is all possibilities that they may got into for enquiry and during the course of enquiry it is expected that the petitioner would be given sufficient opportunity of hearing also granting the petitioner to adduce all the relevant evidence both oral and document to prove his innocence or to disprove the charges.

4. With the aforesaid observations, reserving the right of the petitioner to approach the higher authorities in the department, the present Writ Petition stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit