

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 7809 of 2018

Rajesh Kumar Gupta S/o Shri Shauki Lal Gupta, Aged About 42 Years,
Working As- Sub Engineer, At- Janpad Panchayat, Mahasamund,
District Mahasamund, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh.
2. The Development Commissioner, Chhattisgarh, Raipur.
3. The Collector, District Mahasamund, Chhattisgarh, District Dhamtari Chhattisgarh.
4. The Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund, Chhattisgarh.

---Respondents

For petitioner	:	Shri R.K.Kesharwani, Advocate.
For State	:	Shri Dheeraj Wankhede, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/11/2018

1. The challenge in the present Writ Petition is to the order Annexure-P/1 dtd 15/11/2018 whereby the services of the petitioner has been placed under suspension invoking Rule 9 of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966 (In short "the Rules, 1966").
2. The order of suspension has been issued by the Chief Executive Officer, Zila Panchayat, Mahasamund.

3. The counsel for the petitioner submits that, the officer who has issued the order is not the competent officer to have placed the petitioner under suspension.
4. Be that as it may, since the order of suspension has been issued under Rule 9 of Rule, 1966, Rule 23 of the same Rules prescribes for an appeal to be preferred to the Appellate Authority.
5. Given the fact that there is a statutory alternative remedy available to the petitioner, this Court is not inclined to entertain the instant Writ Petition at this juncture.
6. Reserving the right of the petitioner to prefer an appeal to the Appellate Authority immediately within 2 weeks from today, the present Writ Petition stands disposed off.
7. In the event if the petitioner prefer an appeal it is directed that the Appellate Authority should also take a decision at the earliest preferably within a period of 45 days from the date of receipt of certified copy of this order.
8. The petitioner would also be at liberty to question the competency and authority of the officer who has placed the petitioner under suspension.
9. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE