

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7894 of 2018

Amrit Lal Paikara S/o Shri Umend Singh Paikara Aged About 55 Years
Sangradhyaksha, Sirhasar Chowk Jagdalpur, Civil And Revenue District
- Jagdalpur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Culture, Secretariat, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Civil And Revenue District - Raipur, Chhattisgarh. Pin 495001
2. The Director Directorate Of Culture And Archaeology, Government Of Chhattisgarh, Raipur Civil And Revenue District - Raipur, Chhattisgarh, Pin 495001

---Respondents

For Petitioner	:	Mr. Dinesh Tiwari, Advocate
For State	:	Mr. Chandresh Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01/12/2018

1. The challenge in the present writ petition is to the order of suspension dated 05.11.2018, whereby the services of the petitioner has been placed under suspension.
2. Perusal of the record would show that the petitioner has been placed under suspension on account of the petitioner being prosecuted for a criminal case for the offence punishable under Sections 420, 467, 468 & 471 of the Indian Penal Code. The record also shows that the charge sheet in the said case has also been filed by the prosecution.
3. Given the said facts, the department having invoked the provisions of Rule 10 and placing the petitioner under suspension cannot be said to be bad in law in any manner.

4. The contention of the petitioner is that, before placing the petitioner under suspension, no proper sanction has been obtained from the higher authorities in the department, this Court is of the firm view that such a sanction is not required for placing an employee under suspension. Mere filing of a charge sheet in a criminal case is sufficient for placing a person under suspension.
5. So far as the other grounds raised by the petitioner that the petitioner has been placed under suspension, when he has been assigned the election duties, this Court is of the opinion that, that also cannot be a ground for stalling the effect and operation of the order of suspension, particularly when he has been placed under suspension for being implicated in a criminal case and where charge sheet has also filed against him.
6. The writ petition accordingly being devoid of merit deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

Ved