

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 305 of 2019

Ishwar Kumar Sawai S/o Shri Sundar Lal Sawai, Aged About 37 Years
Patwari, R/o Village Paraskol, Tahsil And District- Mahasamund,
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue
Naya Raipur, Chhattisgarh
2. Collector, Mahasamund, District- Mahasamund, Chhattisgarh
3. Sub Divisional Officer (Revenue) Saraipali, District- Mahasamund,
Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ajay Mishra, Advocate
For State	:	Ms. Astha Shukla, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/01/2019

1. Present is a second round of litigation. The challenge in this writ petition is to the order of suspension dated 03.05.2018. The petitioner primarily was working as a Patwari in District Mahasamund under respondent no.2. He was placed under suspension on certain allegations of misconduct vide order dated 03.05.2018. The petitioner challenged the order of suspension before the High Court vide WPS No. 6317 of 2018. This Court was reluctant to entertain the same for the reason that the petitioner had an alternative remedy available in the nature of an appeal. The writ petition was thus disposed of on 26.09.2018 reserving the right of the petitioner to prefer an appeal. According to the petitioner, he immediately thereafter on 04.10.2018 preferred an appeal before respondent no.2 but

the appeal till date has not been decided and the same is pending consideration.

2. The grievance of the petitioner is that though the petitioner was placed under suspension on May, 2018, no substantial progress has taken place in the departmental enquiry and as such, the same should be interfered with. Counsel for the petitioner submits that the charge sheet also was either fake or not supported with the list of witnesses and documents and as such it was an incomplete charge sheet which was provided.
3. Considering the fact that the petitioner stood suspended in May, 2018 and on an earlier round, this Court had not inclined to entertain the same on account of availability of alternative remedy and the petitioner also having availed the same remedy after disposal of the first round of litigation, this Court is still of the view that it is left for the authority to take a decision first so far as the appeal which the petitioner has filed.
4. Given the said facts, this Court disposes of the writ petition with a direction to respondent no.2 to ensure that the appeal preferred by the petitioner against the order of suspension is decided at the earliest preferably within a period of 45 days from the date of receipt of copy of this order. Let the petitioner produce the copy of this order before the respondent no.2 for an early decision.

Sd/-
(P. Sam Koshy)
Judge