

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 1733 of 2019

Dr.Sharda Prasad Baish S/o Late M.L. Baish, Aged About 64 Years,
Working As Chief Medical And Health Officer, Surajpur (Presently
Suspended), District Surajpur, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh.
2. The Under Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Naya Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. The Collector, District Surajpur, Chhattisgarh.

---Respondents

For petitioner	:	Shri Satish Gupta, Advocate.
For State	:	Shri Sameer Behar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/03/2019

1. The challenge in the instant Writ Petition is to the order of suspension Annexure-P/1 dated 22/02/2019.
2. The only ground which the counsel for the petitioner has raised is that, the order does not reflect that the respondents contemplate the disciplinary proceedings against the petitioner. He further contended that, it is only a couple of months left for the petitioner to retire and at this juncture the petitioner has been made a victim and therefore the order of suspension needs to be interfered or atleast the petitioner be protected for the time being.

3. At the outset this Court finds that the order under challenge to be one which is appealable under Rule 23 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966. The petitioner in the instant case does not seem to have preferred an appeal. Moreover, it is settled position of law that the suspension is not a punishment. Further perusal of the contents of the order of suspension would show that, there have been certain allegations which have been levelled giving reasons for the petitioner to be placed under suspension. This itself is sufficient to draw an inference that the petitioner has been placed under suspension contemplating the departmental enquiry which need not be explicitly mentioned in the order of suspension.

4. Given the aforesaid factual scenario, this Court finds it difficult to entertain the Writ Petition at this juncture.

5. Reserving the right of the petitioner to avail the remedy of appeal or making suitable representation to the Higher Authorities in the department for ventilating his grievance, the present Writ Petition at this stage stands disposed off.

6. In the event if the petitioner moves an appropriate appeal/representation in addition to what he has already filed, the authorities would decide the same at the earliest taking note of the fact that the petitioner have got only very short period of service left for retirement.

7. The Writ Petition accordingly stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
JUDGE