

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2869 of 2019

Puneet Ram Sinha S/o Late Paras Ram Sinha Aged About 50 Years R/o Gram Sarkada, Block Pithaura, Janpad Panchayat Pithaura, District Mahasamund Chhattisgarh.

---- Petitioner

Versus

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

---Respondents

For Petitioner	:	Mr. Varun Sharma, Advocate Mr. Pranjal Shukla, Advocate
For State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/04/2019

1. The challenge in the present writ petition is to the order dated 25.02.2019 passed by the respondent No.3 placing the petitioner under suspension under the provisions of Chhattisgarh Panchayat Service (Discipline and Appeal) Rules, 1999.
2. The primary contentions of the petitioner for assailing the same is that the impugned order of suspension is firstly politically motivated and secondly the respondent No.3 did not have jurisdiction to place the petitioner under suspension and thirdly the order of suspension being without any sufficient cause or reasons available. The further contention of the petitioner is that the respondent No.3 has in fact while passing the order of suspension

reviewed his own earlier decision that he had taken vide Annexure P/14 dated 20.02.2019.

3. The facts of the case as is revealed from the documents enclosed along with the writ petition is that there were certain allegations of misconduct committed by the petitioner for which the Inquiry Committee was also constituted and the Inquiry Committee found the petitioner to have been involved in certain misconducts and irregularities. Based on the inquiry report submitted by the Inquiry Committee, the respondent No.3 initially had passed an order for transferring the petitioner and therefore necessary proposals in this regard were issued.
4. Meanwhile, the respondent No.2-Collector is said to have passed an order directing the respondent No.3 to take action against the petitioner based on the inquiry report and also to place him under suspension and the respondent No.3 thereafter is said to have passed the impugned order Annexure P/1 dated 25.02.2019 placing the petitioner under suspension.
5. The contention of the petitioner is that the said order of the respondent No.2-Collector also seems to be politically motivated, as there is a correspondence made by the local MLA directing the Collector as well as the respondent No.3 to take appropriate action against the petitioner.
6. This Court at this juncture is not inclined to entertain the writ petition for the reason that the order impugned is an order of suspension. The reason for placing the petitioner under suspension is quite evident from the order of suspension itself. The petitioner has been found to be guilty of certain misconducts that is committed and the misconduct stood proved before the committee, which was constituted to inquire upon the allegations leveled against the petitioner.

7. So far as the contention of the petitioner that decision of placing the petitioner is in the form of a review of an earlier order dated 20.02.2019, this Court does not accept the said contention, for the reason that the order dated 20.02.2019 was only for transferring the petitioner from the present place of posting, that does not mean that the said decision was a final order passed or the Department has taken a decision not to proceed further on the petitioner for the misconduct that was found to be proved. Further contention of the petitioner that it is politically motivated also is hard to accept for the reason that the correspondence of the local MLA also is one which has been passed much after the inquiry was already conducted against the petitioner and the findings also was submitted in the Department.
8. Given the said facts and circumstances of the case, particularly when there is a finding of fact by an Inquiry Committee, so far as the allegations against the petitioner is concerned and the fact that the correspondence made by the local MLA is much after the inquiry report was submitted to the Department, the grounds raised by the petitioner for challenging the order of suspension does not find any merit and the writ petition therefore deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved