

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6251 of 2019**

Gorelal Thakur S/o Late Ramadhin Singh Thakur Aged About 58 Years R/o
Shivesh Sadan, In Front Of Balaji Temple, Main Road Kota, Raipur
Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Tourism,
Mahanadi Bhawan, Mantralaya, Naya Raipur District - Raipur
Chhattisgarh., District : Raipur, Chhattisgarh
2. Chhattisgarh Tourism Board, Through Its Managing Director, Udyog
Bhawan, Second Floor, Ring Road - 1, Telibandha Raipur Chhattisgarh.,
District : Raipur, Chhattisgarh
3. Bhim Singh, Managing Director, Udyog Bhawan, Second Floor, Ring Road
- 1, Telibandha Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Varun Sharma, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. AG
For Respondent/s	:	Mr. Anumesh Shrivastava, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

20/08/2019

1. The challenge in the present writ petition is to the order Annexure P-1 by
which the petitioner has been placed under suspension vide the impugned
order dated 05.08.2019.
2. The solitary ground on which the impugned order has been challenged is
that the impugned order has been passed by an incompetent authority.
According to the petitioner, he has been sent on deputation to the Indira

Gandhi Krishi Vishwavidyalaya posted as an Executive Engineer in the said University since the year 2014 onwards.

3. According to the petitioner under Rule 20 of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966 (in short 'Rules of 1966') the petitioner could have been placed under suspension only by the authority in the Indira Gandhi Krishi Vishwavidyalaya under whom petitioner is presently working.
4. From the perusal of record, it would reveal that petitioner while working in the Indira Gandhi Vishwavidyalaya has been subjected to criminal prosecution for the offence punishable under Section 13(1)(e) and under Section 13(2), Prevention of Corruption Act, 1988. The charge-sheet in this regard has already been filed before Special Court, PC Act, Raipur.
5. So far as the Rule 9 of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966 is concerned, the person who has been subjected to prosecution in a criminal case, they can be placed under suspension. Undoubtedly, in the case for which the petitioner is facing prosecution, he could be placed under suspension. Only dispute in this writ petition is whether the order of suspension could have been passed by the respondent No. 2 & 3 or it ought to have been passed by the competent authority in the department where petitioner is working as a deputationist.
6. Perusal of the Rule 20 of the Rules of 1966 would show that the borrowing department which in the instant case is the Indira Gandhi Krishi Vishwavidyalaya also has been empowered to place a person under deputation on suspension. That does not mean that a competent authority under parent body.

7. Reading of the Rule 20 would also show that powers of the parent department has not been ousted so far as placing of the person under suspension is concerned.
8. Under the circumstances, the issuance of the impugned order of suspension by the respondent No. 2 & 3 cannot be faulted with particularly when the reason for suspension is on the petitioner being subjected to prosecution in a criminal Court of law for offence punishable under Prevention of Corruption Act.
9. With the aforesaid observation, writ petition thus fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Rohit