

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 6342 of 2019**

Dhananjay Prasad Sarthi S/o Late Shri P. R. Sarthi, Aged About 52
Years, R/o Post- Jatri, P.S. Pussour, District- Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhavan Mantralaya, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh
2. The Director, Directorate Of Public Instructions, Indravati Bhawan, Block No.3, 1st Floor, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh
3. District Education Officer, Gariyaband, District- Gariyaband, Chhattisgarh
4. Election Commission Of India, Nirvachan Sadan, Ashoka Road, New Delhi, India

---- Respondents

For Petitioner	:	Mr. Sudeep Agrawal, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.
For Respondent no.4	:	Mr. Rajeev Shrivastava, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****21.08.2019**

1. The challenge in the present writ petition is to the order dated 12.04.2019 and communicated the same dated 22.04.2019 Annexure P-1. Vide the impugned order, the petitioner has been placed under suspension invoking Rule-9 of the Chhattisgarh Civil Services (Classification, Control &

Appeal) Rules, 1966.

2. Prima facie, this Court is of the opinion that since the order under challenge is an appealable order, without filing an appeal, filing of the present writ petition becomes not maintainable. Another reason why this Court is reluctant to entertain the writ petition is that the order of suspension was passed on 12.04.2019 and the writ petition has been filed on 13.08.2019 i.e. the writ petition has been filed after more than 4 months from the date of issuance of the order of suspension.

3. Moreover, it is by now a well settled proposition of law that the suspension is not an order of punishment. It is expected that the petitioner would be given a fair and reasonable opportunity in case the department intends to proceed further by way of a disciplinary proceeding. All the submissions of the petitioner would be taken note of by the Disciplinary Authority before proceeding with the disciplinary proceeding.

4. Under the circumstances, this Court does not find any strong case made out by the petitioner calling for an interference with the suspension order. The reluctance of this Court to entertain the writ petition would not preclude the petitioner to avail the remedy of appeal if still available to the petitioner.

5. With the aforesaid observation, the writ petition stands dismissed.

Sd/-
P. Sam Koshy
Judge