

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6319 of 2019

Mirza Azeem Beg S/o Late Jainul Abedin Aged About 47 Years Profession - Patwari, P. H. No. 29, Tahsil And District Mungeli Chhattisgarh Permanent R/o Near Rest House Daupara Mungeli District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhavan, Mantralaya, Police Station And Post - Rakhi, Nawa Raipur, Atal Nagar, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector (Land Records) District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh
3. Sub Divisional Officer (Revenue) Mungeli District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh
4. Tehsildar, Tehsil - Mungeli District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Santosh Kumar Pandey, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

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 Annexure P/3 dated 16.07.2019, whereby the services of the petitioner has been placed under suspension.
2. The petitioner challenges the order of suspension on the ground that firstly it has been passed by an incompetent authority, in as much as the Sub-Divisional Officer (Revenue) is not competent to place the services of the petitioner under suspension. The second ground of the petitioner is that prima facie from the reading of the contents of the order of suspension, it would reveal that the petitioner has not committed any misconduct.

3. At the outset, this Court is not inclined to entertain the writ petition for the reason that the order of suspension is not an order of punishment. The petitioner on the ground of certain irregularities has been placed under suspension. The order of suspension has been passed by an authority under whom the petitioner has been discharging his duties.
4. It is settled position of law as has been laid down by the Hon'ble Supreme Court that the charge-sheet or an order of suspension can also be issued by a person lower in rank than the Appointing Authority, therefore the impugned order would not be bad in law on the ground of competency, particularly when the petitioner admittedly discharges his duties under the Sub-Divisional Officer (Revenue).
5. Moreover, the order of suspension is one, which is appealable and the petitioner ought to have preferred an appeal against the said order under Rule 23 of the **Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966**.
6. So far as the judgment which the petitioner has referred to Annexure P/5, the said judgment is one where the challenge was to the order of dismissal. The issue of dismissal and the competency of the authority passing the dismissal cannot be compared with the order of suspension or the authority, who has issued the order of suspension.
7. For the aforesaid reasons, this Court at this juncture is reluctant to entertain the writ petition, the same fails and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge