

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 113 of 2020**

Mahendra Kumar Mishra S/o Shri S. K. Mishra Aged About 52 Years
R/o Jabdapara, Sarkanda, Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Public Health Engineering Department, Mahanadi Bhawan, Mantralaya, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. Under Secretary Public Health Engineering Department, Mahanadi Bhawan, Mantralaya, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
3. Engineer In Chief Public Health Engineering Department, Indrawati Bhawan, New Raipur District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Kishore Bhaduri, Advocate along with Mr. Pankaj Singh, Advocate
For State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14/01/2020**

1. The challenge in the present writ petition is to the order Annexure P/1 dated 02.12.2019. Vide the said impugned order the petitioner has been placed under suspension invoking Rule 9 of the **Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966.**
2. At the outset, this Court is not inclined to entertain the writ petition for the reason that the order under Rule 9 is an appealable order under Rule 23. The petitioner seems to have not preferred an appeal and has rushed to this Court by way of a writ petition.
3. The ground of challenge by the petitioner is that the petitioner has been falsely implicated and that he is not at all associated with the

said alleged illegality or irregularity in any manner, neither was he the concerned officer to execute or to implement the scheme of the State Government. The further contention of the petitioner is that for the same act and alleged misconduct, the then Executive Engineer was already subjected to disciplinary action and wherein the said person has already been exonerated of the charges, which further strengthens the case of the petitioner. The petitioner also refers to the correspondence dated 31.10.2009 passed by the Chief Engineer in this regard.

4. Be that as it may, since it is only an order of placing the petitioner under suspension this Court is of the opinion that it would be more appropriate if the petitioner is permitted to approach the authorities against the order of suspension by submitting a detailed representation highlighting the entire factual matrix and to substantiate his contention that he is innocent and is not involved in the execution or implementation of the said scheme in any manner.
5. In the event, if the petitioner makes such a representation, it is expected that the authorities in the Department would consider the same objectively and thereafter take an appropriate decision. While deciding the same, it is also expected that the authorities would take into consideration the similar allegations, which were made against the then Executive Engineer for the same alleged misconduct.
6. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge