

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2196 of 2020**

- N.P. Laxme S/o Shri Ghasidas Laxme Aged About 42 Years R/o Vishalpur, Ward No.5, Sarangarh, District Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Agriculture Mahanadi Bhawan, Atal Nagar Raipur, Chhattisgarh
2. Director (Agriculture) Department Of Agriculture Indravati Bhawan, Atal Nagar Raipur, Chhattisgarh
3. Deputy Director (Agriculture) Department Of Agriculture Bilaspur, Chhattisgarh
4. Sub Divisional Officer (Agriculture) Sarangarh, District Raigarh, Chhattisgarh

---- Respondents

For Petitioner : Shri Neeraj Pradhan, Advocate

For Respondents/State : Shri Chandresh Shrivastava, Dy. AG

Hon'ble Shri Justice Goutam Bhaduri**Order****03/06/2020**

1. Heard.
2. Challenge in this petition is to the order dated 28.04.2020 (Annexure P-1), whereby the petitioner has been suspended.
3. Learned counsel for the petitioner would submit that the Deputy Director (Agriculture) is not the appointing authority and the appointing authority is the Director (Agriculture), therefore, the order of suspension dated 28.04.2020 is without jurisdiction. He would further submit that the similar issue has been dealt with by this Court in the matter of **Anil Kumar Jain Vs. State of**

Chhattisgarh & ors (W.P. No.3160 of 2006) wherein in the similar background it has been held that if the suspension order is not passed by the authority having power to appoint any such suspension order would be without jurisdiction.

4. Per contra, learned State counsel opposes the arguments advanced by learned counsel for the petitioner and would submit that the order of suspension is appealable as per Rule 23 (iii) of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (for short 'the Rules, 1966').
5. Perused the Rule 23 (iii) of the Rules, 1966, which purports that an order of suspension made or deemed to have been made under Rule 9, which is about the suspension, would be appealable. Under these circumstances, the petitioner shall be at liberty to prefer an appeal in accordance with the Rule 23 (iii) of the Rules, 1966 before the appropriate authority within a period of three weeks from today and if such an appeal is filed, the same shall be decided within a further period of 90 days from the date of presentation of the appeal.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge