

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWPS No. 3652 of 2020

- Nazaruddin Khan S/o Shri Hazi Mohd. Idrish Warsi, Aged About 60 Years Sub Engineer (Class- II Officer), Janpad Panchayat, Bhanupratappur, District North Bastar, Kanker (Chhattisgarh) R/o Salihpara, Bhanupratappur, District North Bastar, Kanker Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya At Mahanadi Bhawan, Atal Nagar, Nava Raipur Chhattisgarh,
2. Secretary, S C And S T Development Department, Mantralaya At Mahanadi Bhawan, Atal Nagar, Nava Raipur, Chhattisgarh.,
3. Development Commissioner, Panchayat And Rural Development, Atal Nagar, Nava Raipur Chhattisgarh,
4. Commissioner, Bastar Division, Jagdalpur Chhattisgarh
5. Collector, District North Bastar, Kanker Chhattisgarh,

---- Respondents

For Petitioner	:	Mr. Tanmay Thomas, Advocate
For State	:	Mrs. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam BhaduriOrder17.09.2020

1. Heard
2. Learned counsel for the petitioner submits that the petitioner was suspended by order dated 04.08.2020 (Annexure P/3) by the

Collector, Kanker. He submits that the services of the petitioner belongs to Class II which would be evident from the payment which is being received by him by Annexures P/5 & P/6. Since the petitioner is a Sub-Engineer (Class II) and was working under Janpad Panchayat Bhanupratappur and the Collector, not being the appointing authority of the petitioner, could not have suspended the petitioner, therefore the order of suspension passed by the Collector is bad in law and without any authority.

3. Learned State counsel submits that as per Rule 9 of C.G. Civil Services (Classification, Control and Appeal) Rules 1966 [henceforth 'CCA Rules 1966'], the suspension can be made by the authority under whom the employee is subordinate and the Collector, being the higher authority and the petitioner being the subordinate, the suspension has been rightly done. It is further contended that since the suspension has been made under Rule 9 of CCA Rules 1966, therefore the petitioner has statutory remedy to file an appeal under Rule 23(III) of the CCA Rules 1966.

4. Perused the documents. It is not in dispute that the suspension is made under Rule 9 of CCA Rules 1966 and under Rule 23(III) of CCA Rules 1966 the statutory remedy is provided to file an appeal. If such suspension order passed under Rule 9 of CCA Rules 1966 is subject of challenge, the petitioner can very well raise the point of jurisdiction before the appellate authority too. Therefore since the alternative statutory remedy is available to the petitioner, I am not

inclined to exercise the jurisdiction under Article 226 of the Constitution of India.

5. Accordingly, the writ petition stands dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Vishakha