

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4295 of 2020**

- Vinod Shankar Sahu S/o B. L. Sahu Aged About 62 Years Working As Executive Engineer, Water Resource Department At Baikunthpur, District Koriya Chhattisgarh.

---- **Petitioner****Versus**

- State Of Chhattisgarh Through The Under Secretary, Water Resource Department Department Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur Chhattisgarh.
- Engieen-In-Chief Water Resources Department, Shivrath Bhawan, North Block Sector 19, Nawa Raipur Atal Nagar, District Raipur Chhattisgarh.
- Chief Engineer Hasdeo Ganga Kacchar, Water Resources Department, Ambikapur District Surguja Chhattisgarh.

---- **Respondents**

For Petitioner : Mr. N.K. Chatterjee, Advocate
For State : Mr. Amrito Das, AAG.

Hon'ble Shri Justice Goutam Bhaduri**Order****3-11-2020**

1. Heard.
2. The present petition is against the suspension order dated 24-9-2020 (Annexure P/1).
3. Learned counsel for the petitioner submits that the suspension order is mala fide because once the petitioner had refused to pass certain bills which belonged to some other division and

on earlier occasion also he challenged his transfer and filed a representation in compliance of the order passed by this court. He would further submit that the petitioner has been made a scape-goat without any rhyme or reason, therefore, the suspension order dated 24-9-2020 (Annexure P/1) may be set aside.

4. On the other hand, learned State counsel opposes the arguments advanced by the learned counsel for the petitioner and submits that on certain allegations, the petitioner has been suspended,, therefore, that would require the evidence and finding of fact which can only be determined if the appeal is filed under Chhattisgarh Civil Services (Classification, Control and Appeal) Rules 1966.
5. Rule 23 (iii) of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules 1966 reads as under.

“23. Orders against which appeal lies. -

Subject to the provisions of Rule 22, a Government servant may prefer an appeal against all or any of the following orders, namely-

(i) xxxxxx

(ii) xxxxx;

(iii) an order of suspension made or deemed to have been made under Rule 9;]”.

6. Reading of the aforesaid provision would show that against the order of suspension, an appeal would lie before the

appropriate authority. Under these circumstances, since alternative statutory remedy is provided, the petitioner may prefer the appeal before the competent authority as necessarily prima facie, rejection of suspension order would require appreciation of fact.

7. With the aforesaid liberty, the petition is disposed of.

Sd/-

(Goutam Bhaduri)
Judge

Raju