NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4707 of 2020

Ignatius Bara S/o Late Shri Junas Bara Aged About 37 Years Presently Posted As Sub Engineer, Kunkuri Sub Division, Public Works Department, District - Jashpur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mantralay, Mahanadi Bhawan, Nava Raipur, District- Raipur (Chhattisgarh)
2. Engineer In Chief Public Works Department, Nirman Bhawan, North Block, Sector 19, Capital Complex, Atal Nagar, Nava Raipur, District- Raipur (Chhattisgarh)
3. Collector District- Jashpur (Chhattisgarh)
4. Executive Engineer Public Works Department, Jashpur Division, District- Jashpur (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Achyut Tiwari, Advocate
For State	:	Mr. V. R. Tiwari, Addl. AG

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/12/2020

1. The challenge in the present writ petition is to the Annexure P-1 whereby the services of the petitioner has been placed under suspension vide order dated 26.10.2020.
2. The primary challenge to the order of suspension was the competency of the District Collector in passing the said order. Primarily it was argued that since the District Collector is not the appointing authority and therefore the District Collector would not have the power to place the petitioner under

suspension. The issue has already been dealt with on couple of previous occasions by this Court one of which being the case of **R. P. Parihar Vs. State of Chhattisgarh & Others,** in **WPS No. 6590/2014** dated **27.03.2015**, wherein it has been categorically held that so far as the District Collector is concerned the State Government by amending Rule 9 of the Rules of 1966 has empowered the District Collector to place an employee of Class-IV & Class-III cadre under suspension contemplating Departmental Enquiry and at the same time the employees/officers of the Class-II and Class-1 Cadre, the power has been conferred upon the Divisional Commissioner.

3. Given the facts that State Government vide amendment to Rule 9 has empowered the District Collector to place an employee of the Class-II and Class-IV under suspension the impugned order to that extent does not warrant any interference at this juncture.

4. As regards the fact that 45 days as lapsed that the petitioner being placed under suspension and respondents have not issued any charge Sheet to the petitioner, the petitioner would be at liberty to approach the Disciplinary Authority in respect of the same by making a representation and on making such representation Disciplinary Authority is expected to take a decision at the earliest preferably within a period of 45 days from the date of receipt of representation of the petitioner.

5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit