

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 527 of 2021**

Dilip Kumar Sahu S/o Late Loknath Sahu Aged About 50 Years House No.
H 15, New Gad Colony, Behind Collectors Office, P.S. Dhamtari, Dhamtari
Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Chhattisgarh
2. Directorate Of Public Instructions Indrawati Bhawan, Part - III, First Floor, Atal Nagar, Nawa Raipur Chhattisgarh
3. District Education Officer Dhamtari, District Dhamtari Chhattisgarh
4. Principle Cum Drawing And Disbursing Officer Dr. Shobharam Dewangan, Government Higher Secondary School, Dhamtari Chhattisgarh

---- Respondents

For Petitioner	:	Mr. N. Naha Roy, Advocate
For State	:	Mr. Amit Buxy, PL

Hon'ble Shri Justice P. Sam Koshy
Order on Board

08/02/2021

1. The challenge in the present writ petition is to the order Annexure P-1 dated 31.12.2020 whereby the services of the petitioner has been placed under suspension.
2. At the outset, this Court is of the opinion that order of suspension is one which has been issued under the Chhattisgarh Civil Services Conduct Rules, 1965 and where the order of suspension is an appealable order.

3. Contention of the petitioner is that the petitioner is only holding the post of Assistant Grade-II and which is substantially clerical in nature and is discharging his duties that were assigned to him by the superior authorities and as such the petitioner is not in any manner directly or indirectly involved in the any of the misconduct or allegation as levelled.
4. Be that as it may, since the order is an appealable order, the defence that petitioner has raised is one which has to be scrutinized on perusal of the records available with the respondents, it would not be within the scope of this Court under Article 226 of Constitution of India to call for the records and scrutinize the same and reach to a conclusion whether case for suspension has been made out or not?
5. Accordingly, reserving the right of the petitioner to approach the appellate authority within a period of 15 days from today, the writ petition at this juncture stands disposed of. In the event of the petitioner preferring an appeal to the appellate authority within the above stipulated period, the appellate authority shall consider and decide the same within a further period of 45 days from the date of receipt of the appeal.
6. It is made clear that this Court has not expressed any opinion on the merits of the case, the appellate authority is expected to take an independent decision purely based on the materials available and the contents of the appeal.
7. With the aforesaid observations, the present writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge