

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 537 of 2021**

Ram Avtar Dhruv S/o Shri Balaram Dhruv Aged About 55 Years R/o
Village Kachhna, Tahsil Navagarh, District Bematara Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Scheduled Caste And Scheduled Tribal Development Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. Commissioner Scheduled Tribal And Scheduled Caste Development Department, Indrawati Bhawan, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
3. Assistant Commissioner Tribal Development Department, Raigarh District Raigarh Chhattisgarh
4. Assistant Commissioner Tribal Development Department, Bemetara District Bemetara Chhattisgarh
5. Collector Bemetara District Bemetara Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Meena Shastri, Advocate
For State	:	Mr. Wasim Miyan, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11/02/2021**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 23.01.2020 whereby the petitioner has been inflicted with a minor punishment of stoppage of two increments without cumulative effect.
2. The present writ petition has been filed on 15.01.2021 i.e. almost after one year. The impugned order is one which has been issued invoking the provisions of the Chhattisgarh Civil Services (Classification, Control and

Appeal) Rules and misconduct is alleged is one under the Chhattisgarh Civil Services conduct Rules, 1965. The said order is an appealable order.

3. Though the counsel for the petitioner submits that during the intervening period of about one year he has been repeatedly making representation to various authorities concerned, this Court is of the opinion that proper course available to the petitioner to assail the minor punishment was by way of departmental appeal before the Departmental Appellate Authority. By preferring various representations to the various authorities cannot be construed to be legal remedies exhausted by the petitioner. Since the petitioner has not availed the departmental appeal for a period of 1 year and after about a period of 1 year the present writ petition has been filed, this Court is of the opinion that it would be more appropriate if the writ petition at this juncture is disposed of directing the petitioner to approach the concerned Departmental Appellate Authority against the order of punishment explaining the delay which arose in the course of preferring appeal and that the appellate authority in turn is directed to consider the appeal of the petitioner sympathetically and to decide the same on its own merits ignoring the period of limitation.
4. The petitioner is expected to prefer an appeal within a period of 30 days from the date of receipt of copy of this order and the appellate authority is expected to decide the appeal at the earliest preferably within a period of 60 days from the date of receiving the appeal.
5. With the aforesaid observation, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge