

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1023 of 2021

1. Smt. Shraddha Yadu W/o Pawan Yadu Aged About 46 Years R/o Near Karbala Talab, Geeta Nagar, Choubey Colony, Raipur District Raigarh Chhattisgarh
---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. Collector Office Of Collector, District Raipur Chhattisgarh
3. Sub Divisional Officer (Revenue) Tahsil And District Raipur Chhattisgarh
4. Additional Tahsildar Dharsiva, Tahsil And District Raipur Chhattisgarh
5. Nayab Tahsildar Dharsiva, Tahsil And District Raipur Chhattisgarh

---Respondents

For Petitioner	:	Shri Arvind Shrivastava, Advocate.
For State	:	Shri Amit Buxy, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15.02.2021.

1. The challenge in the present writ petition is to the order of suspension dated 28.01.2021 (Annexure P/1). Vide the said order the respondent No. 3 has placed the petitioner under suspension.
2. Perusal of the impugned order Annexure P/1 would reveal that the said order has been issued invoking the provision of Rule 9 (1)(a) of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules 1966. The challenge to the impugned order is on the ground that firstly there is no misconduct made out against the petitioner calling for issuance of the order of suspension.
3. Counsel for the petitioner also submits that the petitioner as such can not be said to have committed dereliction of duty and the order of suspension

seems to have been issued only on the basis of complaints raised by the Nayab Tahsildar in-respect-of alleged behaviour of the petitioner which under no circumstances can be said to be a misconduct.

4. All said and done, the order of suspension under Rule 9 (1) which is appealable under Rule 23 of the Rules 1966. Since there is a statutory alternative remedy available to the petitioner by raising an appeal before the Appellate Authority, this Court at this juncture would not like to entertain the writ petition exercising the power of judicial review under Article 226.
5. The contention and the submission of the petitioner apparently show that for dealing with the said grounds it would be relevant for the perusal of the records available at the office of the respondents.
6. In view of the same, this Court is opinion that it would be more appropriate, if the writ petition is disposed of directing the petitioner to prefer an appeal before the Respondent No. 2- the Dist. Collector within a period of 2 weeks and the Appellate Authority i.e. the respondent No. 2 in-turn is directed to decide the appeal on its own merits taking into consideration the grounds/contents that the petitioner shall raise in his departmental appeal at the earliest preferably within a period of 45 days from the date of receipt of copy of the appeal.
7. The writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge