

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (SERVICE) NO. 1562 OF 2021**

- Ajay Singh, S/o Shri Lal Mohan Singh, aged about 33 years, working as Panchayat Secretary at Gram Panchayat Bankomba, District Jashpur (CG)

... Petitioner**versus**

1. State Of Chhattisgarh, through the Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, Atal Nagar, Nava Raipur (CG)
2. The Collector, Jashpur, District Jashpur (CG)

... Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate.
For Respondents/State	:	Mr. Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****07/04/2021**

1. Challenge in the present Writ Petition is to the order of suspension dated 7.2.2021.
2. Vide the impugned order dated 7.2.2021, the District Collector, Jashpur has placed the Petitioner under suspension invoking the provisions of the Chhattisgarh Civil Services Rules, 1966.
3. The ground of challenge to the impugned order is primarily on the competency of District Collector in placing the services of Petitioner under suspension under the said Rules of 1966. The second ground of challenge is that since the Petitioner is an employee working as Panchayat Secretary, the Collector would not be the Competent Authority to place a Panchayat Secretary under suspension.
4. Today, learned State Counsel under instructions submits that undoubtedly under the Rules of 1966 the Collector has got the powers to place an employee of Class-III and Class-IV category under suspension. However, on a query being to learned State Counsel, he fairly concedes that the Collector as such may not have the power to place the Panchayat Secretary under suspension under the provisions of Panchayat Raj Adhiniyam where there are specific authorities prescribed for the same.

5. Given the said facts and circumstances of the case, admittedly when the Petitioner is working as Panchayat Secretary and is governed under the provisions of the Panchayat Raj Adhiniyam, the provisions of the Chhattisgarh Civil Services Rules, 1966 invoked by the District Collector would not be proper and justified. The impugned order therefore on this very ground would not be sustainable and the same deserves to be and is accordingly set aside/quashed.

6. However, the right of the Competent Authority stands reserved to initiate appropriate proceeding against Petitioner in respect of any misconduct that he has committed by which his services were placed under suspension on 7.2.2021.

7. Writ Petition stands allowed and is disposed of accordingly.

Sd/-
(P. Sam Koshy)
JUDGE

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