

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (SERVICE) NO. 1640 OF 2021**

- Lakhan Singh Narwaria, S/o Shri R.S. Narwaria, aged about 60 years, working as Senior Horticulture Development Officer and Incharge, Assistant Director Horticulture, District Jashpur (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Agriculture Department, Mahanadi Bhawan, Mantralaya, New Raipur (CG)
2. The Director, Horticulture and Field Forestry, Chhattisgarh, Second Block, Fourth Floor, Indravati Bhawan, Naya Raipur, Atal Nagar, District Raipur (CG)

... Respondents

For Petitioner	:	Mr. Raghvendra Pradhan, Advocate.
For Respondents/State	:	Mr. V.R. Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09/04/2021**

1. Aggrieved of the Order dated 19.1.2021, Annexure P-1, the present Writ Petition has been filed by Petitioner.
2. Vide the impugned Order, the service of Petitioner has been placed under suspension.
3. From plain reading of the order of suspension, it seems to be certain allegation of financial irregularities in the course of discharging of duties committed by Petitioner.
4. Challenge to the impugned Order is to the extent that the order of suspension is a non-speaking order. The Authorities while placing the Petitioner under suspension have not given any reasons in respect of the findings which are arrived at in the course of Preliminary Enquiry which was conducted against him.
5. At the outset, this Court is of the opinion that the Order under challenge is one which has been issued under the provisions of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966 invoking the provisions of Rule 9. The said order is an appealable order under the said Rules and Rule 23 of the said Rules of 1966 provides for preferring an appeal to the Appellate Authority.

6. Moreover, the impugned order of suspension is one which was issued almost three months back. Another ground which makes this Court reluctant to entertain the present Writ Petition is the fact that the order of suspension is based upon certain allegations of misconduct which shall be the matter of enquiry to be conducted by the Authorities concerned by way of a full fledged Departmental Enquiry where the Petitioner would have all the liberty to adduce before the Authorities concerned all the evidence in support of his contentions and also he would get the opportunity of cross-examining all the witnesses of the Department to disprove the allegations which have been levelled against him.

7. Another ground which the Petitioner raises is the fact that he was earlier issued with a Show Cause Notice to which he has given a reply and the order of suspension does not bear any reflection of the reply that he has submitted. This ground of Petitioner also would not be a ground which it could be accepted by this Court to exercise its power of review, for the simple reason that it is by now a well settled principle of law that an order of suspension is not an order of punishment. The order of suspension is only contemplating the disciplinary proceeding. Petitioner's contention and evidence shall be considered by the Authorities in the event if they initiate a disciplinary proceeding against him.

8. Under the circumstances, this Court is of the opinion that it is not a fit case to interfere with the order of suspension.

9. Writ Petition is dismissed accordingly.

**Sd/-
(P. Sam Koshy)
JUDGE**