

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5305 of 2021**

Ishwar Prasad Kashyap S/o Shri Chhaedilal Kashyap Aged About 55 Years
R/o Village Pali, Tehsil And P.S. Pali, District Korba Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. Collector Mahasamund District Mahasamund Chhattisgarh
3. District Education Officer Mahasamund District Mahasamund Chhattisgarh
4. Sub Divisional Officer (Revenue) Saraipali District Mahasamund Chhattisgarh

----Respondents

For Petitioner	:	Mr. Prateek Sharma, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****30/09/2021**

1. Aggrieved by the order Annexure P/1 the present writ petition has been filed. Vide the impugned order the petitioner has been placed under suspension. The petitioner has also assailed the decision of the respondents so far as withdrawal of the administrative as also the financial powers granted to him.
2. The contention of the petitioner is that subsequent to the petitioner being placed under suspension, the Department has conducted a preliminary enquiry and where in the inquiry the Department could not find any misconduct to have been committed by the petitioner or

acted in the manner unbecoming of the government servant and therefore there is no further need of continuing the suspension.

3. The State counsel however opposing the petition submits that it is a case where the order of suspension has been issued only on 04.09.2021 and the authorities are still in the process of collecting the information in respect of the general complaint that was received against the petitioner and further that the order of suspension is an appealable order under Rule 23 of the Civil Services (Classification, Control & Appeal) Rules, 1966 the reason as it may.
4. Considering the fact that the petitioner has been placed under suspension only on 04.09.2021 and further contention of the petitioner is that the preliminary enquiry also have been conducted, the writ petition at this juncture stands disposed of directing the respondent No.1 to take an appropriate decision in accordance with law, purely on the basis of the information collected during the course of the preliminary enquiry.
5. With the aforesaid observations, the present writ petition stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved