

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5352 of 2021**

1. Ankit Ramteke S/o Late Shri N.K. Ramteke Aged About 28 Years Working As Assistant Grade 2, In The Office Of Block Education Officer Block Chouki, District Rajnandgaon, Chhattisgarh
---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhawan, Post Office Mantralaya, Police Station Rakhi, Nawa Raipur Atal Nagar, District Raipur, Chhattisgarh,
2. The Director, Public Instruction Department, Indrawati Bhawan, Post Office Mantralaya, Police Station Rakhi, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh,
3. The Collector, Rajnandgaon, District Rajnandgaon, Chhattisgarh,
4. The District Education Officer, Rajnandgaon, District Rajnandgaon, Chhattisgarh,
---- Respondents

For Petitioner	:	Shri Vipin Tiwari, Advocate.
For State	:	Shri Ishan Verma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****04.10.2021**

1. Aggrieved by the order Annexure P/1 dated 10.09.2021, the present writ petition has been filed.
2. Vide the impugned order, the services of the petitioner has been placed under suspension invoking Rule 9 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules 1966, prima facie this Court is of the opinion that the said order under Rule 9 (1) which is an appealable order under Rule 23 of the Rules 1966. The petitioner has not availed the remedy of appeal and has come to this Court assailing the same.

3. The ground of challenge raised by the petitioner primarily seems to be the competency of the District Collector in placing the petitioner under suspension. The contention of the petitioner is that, since the District Collector is not the appointing Authority, he could not have placed the service of the petitioner under suspension.
4. As regards the competency of the District Collector is concerned, the State Government itself has amending the Rule 9 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules 1966 to the extent of further empowering the District Collector and the Divisional Commissioner for exercising the power of suspension in-respect-of employees working within the District and within the Divisions in addition to the Disciplinary Authority. The district Collector has been empowered to place an employee of class -IV and Class -III cadre under suspension, likewise the Divisional Commissioner also has been empowered to place an Officer of Class-I and Class-II rank under suspension posted within the Divisions under the control of the State Government. In view of the said contention of the competency part is not sustainable.
5. As regards the facts that the order is an appealable order, this Court is of the opinion that it would be more appropriate for the petitioner to prefer an appeal before the Appellate Authority highlighting all his grievances and the appellate Authorities in case of an appeal preferred by the petitioner is expected to take contents of the appeal and to take a decision on the same within the stipulated period provided under the Said Rule.
6. The writ petition fails and is accordingly disposed of.

Sd/-

P. Sam Koshy
Judge