

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6099 of 2021**

1. Amit Dewangan S/o Shri Saroj Kumar Dewangan Aged About 45 Years R/o 69/1004, shanti Vihar Colny, Danganiyan, Raipur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Food, Civil Supplies And Consumer Affairs, Block -2, 3rd Floor, Indravati Bhawan, Atal Nagar Nava- Raipur Chhattisgarh.
2. Chhattisgarh State Civil Supply Corporation Limited (Through Its Board Of Directors) Block No. 07 A, Second Floor, Sector-IV, Office Complex, Atal Nagar, Raipur Chhattisgarh.
3. The Chairman Chhattisgarh State Civil Supply Corporation Limited, Block No. 07 A Second Floor, Sector-IV, Officer Complex, Atal Nagar, Raipur Chhattisgarh.
4. The Managing Director, Chhattisgarh State Civil Supply Corporation Limited, Sector-IV, Officer Complex, Atal Nagar, Raipur Chhattisgarh

----Respondents

For Petitioner	:	Mr. Kshitij Sharma, Advocate.
For State	:	Mr. Lalit Jangde, Dy. G.A.
For Res. No. 2 to 4.	:	Mr. Animesh Tiwari along with Me. Yogendra Pandey, Advocates.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01.11.2021**

1. The present writ petition has been filed assailing the impugned order Annexure P/1 dated 18.08.2021 and the inquiry report Annexure P/2.
2. Vide the impugned Annexure P/1, the petitioner has been inflicted with a major penalty of stoppage of two annual increments with cumulative effect. In addition to the order that for the period of suspension, he would be entitled only for the subsistence allowance that he has got

applying the principle of “No Work No Pay”. The impugned order is an appealable order and the appeal would lie to the respondent No. 3.

3. Counsel for the petitioner submits that considering the fact that under the information that was provided to the petitioner, he has been made to realize that the entire action has been initiated at the behest of the respondent No. 3 therefore he has not preferred an appeal.
4. Considering the entire facts and circumstances of the case, particularly, the fact that the charge-sheet which was issued on 27.01.2021 and the impugned action is after a duly concluded the departmental enquiry and an enquiry report being submitted to the disciplinary authority. It would not be proper for this Court at this juncture to entertain the writ petition bypassing the statutory remedy of appeal which the petitioner has under the service rules governing the field.
5. Let the petitioner prefer an appropriate appeal to the respondent No. 3 within a period of two weeks and upon such appeal being made, the respondent No. 3 in-turn shall take an appropriate decision on the departmental appeal within a further period of 60 days from the date of receipt of the appeal and the appeal shall be decided by a reasoned and speaking order.
6. Accordingly, the present writ petition stands disposed of.

Sd/-

(P. Sam Koshy)

Judge