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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7272 of 2026

B.R. Thakur S/o Shri Ganpat Thakur, Aged About 59 Years I/c Executve Engineer, Public Works Deptt, R/o H. No. KE 9, Kautilya Enclave Colony Behind Harsh Tower Devpuri, Raipur, Raipur Dist, C.G. State Pin. 492001

... Petitioner

versus

1 - State Of Chhattisgarh Through Secretary, PWD Secretariat, Mahanadi Bhawan, Atal Nagar, Naya Raipur, C.G. State

2 - Additional Secretary, Public Works Deptt, Mahanadi Bhawan, Atal Nagar, Naya Raipur Dist C.G. State.

3 - Chief Engineer, PWD, PWD Bhawan, Atal Nagar, Naya Raipur, C.G. State

4 - Chief Engineer, PWD Ramanujganj Division, Ramanujganj - Balrampur Distt, C.G. State

... Respondent(s)

(Cause title is taken from Case Information System)

For Petitioner	: Dr. Veena Nair, Advocate
For Respondents	: Ms. Sakshi Bajpai, Panel Lawyer

Hon’ble Shri Bibhu Datta Guru, Judge

Order on Board

27/10/2026

1. Heard finally with the consent of the learned counsel for the parties.

2. The petitioner has preferred this writ petition seeking quashment of the impugned order dated 16.07.2026 (Annexure P/1), whereby the respondent authorities have imposed a minor penalty of recovery of the alleged loss caused and a major penalty of withholding two annual increments with cumulative effect.

3. Learned State counsel would raise objection regarding maintainability of the writ petition and submit that under Rule 23 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966, the petitioner has a statutory alternative remedy.

4. Learned counsel for the petitioner would submit that the impugned order has been passed in the name of the Governor, therefore, the petitioner has directly approached this Court, because under the provisions of the Rules of 1966, an order passed by the State Government has been made appealable before the Governor.

5. The issue fallen for consideration in this petition has been set at rest by this Court in the matter of ***G. S. Dewangan v. State of***

Chhattisgarh and others (WPS No.102/2012), decided on 30.01.2012, wherein the following has been held:-

> "13. The argument raised by the petitioner is otherwise also fallacious when it is examined and considered in the light of the judgment of the Supreme Court in the matter of Common Cause, A Registered Society Vs. Union of India and others {(1999) 6 SCC 667}. In the said matter, an argument was raised before the Supreme Court that when a Minister passes an order as Member of the Union Cabinet, it actually performs the function on behalf of the President of India and not merely as a Minister individually. While dealing with the argument and after referring to the provisions contained in Articles 73 to 77 of the Constitution concerning the executive power of the Union as also with respect to executive power of the State contained in Article 166 of the Constitution, it has been held in para-26 of the judgment that 'though an order is issued in the name of the President, it does not become an order of the President passed by him personally, but remains, basically and essentially, the order of the Minister on whose advice the President had acted and passed that order. It was further held therein that as required by Article 77 (1), all executive actions of the Government of India have to be expressed in the name of the President; but this would not make that order an order passed by the President personally.'
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> 14. In the opinion of this Court, the above judgment of the Supreme Court is complete answer to the argument raised by learned counsel for the petitioner. Accordingly, this Court holds that even if the impugned

> order of suspension is issued after expressing the same to have been passed for and on behalf of the Governor of Chhattisgarh, it does not become an order passed by the Governor himself and remedy of filing an appeal before His Excellency, the Governor is available to the petitioner under Rule 23 of the Rules, 1966."

6. The above referred matter of ***G. S. Dewangan*** (supra) was approved by the Division Bench in Writ Appeal No.80 of 2012 (G. S. Dewangan v. State of Chhattisgarh and others), decided on 15.02.2012.

7. In view of the above, the petitioner has an alternative remedy of preferring an appeal before the Governor. In the matter of ***State of H. P. and others v. Gujarat Ambuja Cement Ltd. and another*** reported in (2005) 6 SCC 499, the Supreme Court has held that when an statutory remedy is available, the High Court should not entertain a writ petition.

8. For the foregoing, the writ petition is dismissed as not maintainable. The petitioner may avail the alternative remedy within a period of 30 days from today.

Sd/-

(Bibhu Datta Guru)
JUDGE

$. Bhilwar