CGHC010430542026 2026:CGHC:46360

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7874 of 2026

Dr. Malik Ram Porte S/o- S.R. Porte Aged About 32 Years Posted As Senior Secretary Krishi Upaj Mandi Samiti, District- Balrampur-Ramanaujganj (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Agriculture Mahanadi Bhawan Mantralaya, Atal Nagar Nava Raipur District Raipur (C.G.)

2 - Chhattisgarh State Agricultural Marketing Board Through Its Chairman Chhattisgarh State Agricultural Marketing Board, Head Quarter District-Raipur (C.G.)

3 - Managing Director Chhattisgarh State Agricultural Marketing Board, Head Quarter District- Raipur, (C.G.)

4 - Mahendra Singh Sawanni Presently Posted As Managing Director Chhattisgarh State Agricultural Marketing Board, Nava Raipur District- Raipur, (C.G.)

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s)	: Shri Krishna Tandon, Advocate
For State	: Ms. Apurva Nigam, Panel Lawyer
For Respondent nos. 2 & 3	: Shri Shreyansh Mehta, Advocate appears on behalf of Shri D.N. Prajapati, Advocate

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

03.11.2026

1. Learned counsel for the petitioner submits that the impugned order of suspension dated 21.09.2026 has been issued by the Managing Director, Chhattisgarh State Agricultural Marketing Board, whereby the petitioner has been placed under suspension. He submits that the petitioner had lodged a complaint before the Police Station as well as before the Chief Secretary alleging that the contractual assignment granted to respondent No. 4, the Managing Director, was illegal and arbitrary. It is contended that the impugned order of suspension has been issued as a retaliatory measure against the petitioner. It is further submitted that no opportunity of hearing or show cause notice was afforded to the petitioner prior to issuance of

the suspension order, despite the allegations of misconduct levelled against him.

2. Learned counsel appearing for respondent Nos. 2 and 3, on instructions, submits that a show cause notice was issued to the petitioner on 11.09.2026, but the petitioner failed to submit any reply thereto. He further submits that merely because the petitioner had lodged a complaint against the authority who issued the suspension order, the same would not, by itself, establish that the order of suspension has been passed with mala fide intention. It is also submitted that departmental inquiry is proposed against the petitioner by the Mandi Board and, in view thereof, the suspension order has been issued, which is neither illegal nor arbitrary nor contrary to any provision of law.

3. I have heard learned counsel for the parties and perused the pleadings available on record.

4. The principal grievance of the petitioner is two fold. Firstly, that the impugned order of suspension has been passed by the Managing Director with mala fide intention, as the petitioner had lodged a complaint against him. Secondly,

that no opportunity of hearing was afforded to the petitioner before issuance of the suspension order.

5. So far as the second contention is concerned, it is a settled proposition of law that before issuance of an order of suspension, there is no requirement to issue a show cause notice or to provide an opportunity of hearing to the concerned employee. Moreover, learned counsel appearing for respondent Nos. 2 and 3 has placed the show cause notice dated 11.09.2026, which was issued to the petitioner prior to passing of the impugned order of suspension.

6. So far as the allegation of mala fide is concerned, merely because the petitioner had lodged a complaint along with some other employees against the Managing Director regarding the contractual assignment granted to him, the same cannot, by itself, be treated as a sufficient ground to conclude that the subsequent order of suspension has been passed with mala fide intention or as an act of retaliation.

7. In view of the aforesaid, the contentions raised by the petitioner while questioning the impugned order of suspension are found to be devoid of merit. It appears that

the order of suspension has been issued in contemplation of the departmental inquiry proposed against the petitioner. No illegality or arbitrariness is found in the impugned order warranting interference by this Court.

8. Accordingly, the writ petition is dismissed at the motion stage itself.

Sd/-

(Bibhu Datta Guru)
JUDGE

Shoaib