

(2018) 03 CHH CK 0307
In the Chhattisgarh High Court
Case No : WPS No. 2626 of 2018

SMT. ANITA AGRAWAL

APPELLANT

Vs

STATE OF CHHATTISGARH

RESPONDENT

Date of Decision : 27-03-2018

Acts Referred:

Chhattisgarh Civil Services (Classification, Control and Appeals), 1966 — Rule 9

Citation : (2018) 03 CHH CK 0307

Hon'ble Judges : P. SAM KOSHY

Bench : Single Bench

Advocate : Roop Naik, Lav Sharma

Final Decision : Disposed Of

Judgement

1. The challenge in the present Writ Petition is to the order of suspension dated 14/09/2017 whereby the authorities have refused to grant joining to the petitioner.

2. The facts of the case in brief is that, the petitioner was working on the post of District Program Officer under the Women and Child Development

Department, Raigarh. That on 29/05/2017, the petitioner's services was placed under suspension under rule 9 of the Chhattisgarh Civil Services

(Classification, Control and Appeals), 1966.

3. According to the counsel for the petitioner, since the petitioner has not been issued with a chargesheet after her suspension, the suspension order

automatically would stand revoked by operation of law and she was entitled for resuming her duties which has been rejected by the authorities vide

the impugned order.

4. This Court is not inclined to accept the said principle of law canvassed by the

counsel for the petitioner for the reason that, perusal of record would show that the petitioner has already been subjected to a departmental enquiry even before suspension order was passed and the said enquiry is pending consideration before the authorities concerned.

5. Moreover, the order of suspension is an appealable order. It does not reflect from the record that the petitioner has ever approached the respondents for revocation of suspension order.

6. Moreover, the provisions of rule 9 does not provide for any such clause wherein the suspension order would stand automatically revoked in case if the chargesheet is not issued to the delinquent within a period of 90 days.

7. Thus, the counsel for the petitioner is directed to approach the authorities concerned once again for revocation of suspension taking all these

grounds which the petitioner has raised in the present Writ Petition and on such representation being made, the authorities concerned shall take a

decision objectively. They shall also consider the aspect whether the petitioner was placed under suspension for the same reason for which she was

being prosecuted in the departmental enquiry and shall also consider the requirement of further keeping the petitioner under suspension. Let this

exercise be done within a period of 4 months from the date the petitioner submits a detailed constituted representation.

8. The Writ Petition accordingly stands disposed off.