

(2019) 02 CHH CK 0430

Chhattisgarh High Court

Case No: Writ Petition (S) No. 1222 Of 2019

Khilawan Das Manikpuri

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Feb. 22, 2019

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Goutam Khetrapal, Rahul Mishra

Final Decision: Disposed Of

Judgement

P. Sam Koshy, J

1. The challenge in the instant Writ Petition is to the order of suspension dated 11/02/2019 whereby the petitioner has been placed under suspension.
2. The plain reading of the order of suspension would reveal that, the order has been passed on account of the petitioner not acting upon the order of transfer dated 07/08/2018.
3. Though, the counsel for the petitioner tried to convince the Court that the petitioner was not responsible for not acting upon the order of transfer as the petitioner was not relieved he could not have acted upon the order of transfer and he was only relieved on 02/01/2019 after the model code of conduct was over and he has subsequently joined at the transferred place on 11/01/2019, yet the impugned order of suspension has been passed.
4. This Court at this juncture is not inclined to entertain the Writ Petition for the reason that, the order of suspension is an appealable order and the petitioner has not preferred an appeal but have straight away rushed to this Court challenging the same.

5. Thus, reserving the right of the petitioner to prefer an appeal before the Appellate Authority against the order of suspension within a period of 2 weeks' from today, the Writ Petition stands disposed off.

6. In the event the petitioner prefers an appeal before the Appellate Authority, they shall consider the contents of the appeal and decide the same on merits within an outer limit of 45 days from the date of receipt of the appeal to be preferred by the petitioner.