
(2018) 09 CHH CK 0418

Chhattisgarh High Court

Case No: Writ Petition (S) No. 6397 Of 2018

V.K. Anant

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Sept. 27, 2018

Acts Referred:

- Constitution Of India, 1950 - Article 226

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Raghvendra Pradhan, R.K. Gupta

Final Decision: Dismissed

Judgement

P. Sam Koshy, J

1. Challenge in the present writ petition is to the order of suspension dated 29.8.2018 whereby the service of the petitioner has been placed under suspension.

2. Challenge to the order of suspension is on the ground that the petitioner was not one of the persons, who was supposed to be present in the review meeting which was organized by the department.

3. According to the petitioner, he was not holding any of the responsible post who was supposed to be present in the review meeting. It was further

contended by the petitioner that the petitioner has also not been duly intimated in respect of the review meeting which was held on 1.8.2018 and unless

he has been duly invited in the meeting he could not have remained present in the meeting and therefore the order of suspension for not attending the

review meeting is per se bad and the same deserves to be interfered with by this Court.

4. Perusal of the order of suspension reveals that there is a specific reason assigned for placing the petitioner under suspension and the reason

assigned is that the petitioner has not attended the review meeting that was held on 1.8.2018.

5. This Court in exercise of its powers under Article 226 of the Constitution of India would not substitute itself as an disciplinary authority or, for that

matter, as an appellate authority sitting over an order of suspension taken on the administrative side. The petitioner ought to have immediately raised

an objection/approach the higher authorities of the department apprising the authorities in respect of his grievance.

6. This Court would not conduct a roving enquiry to reach to a conclusion that whether the petitioner has been duly informed of the meeting on

1.8.2018 or not and neither would this Court like to venture into the area of deciding whether he was an officer who was supposed to be present in the

review meeting at the stage.

7. This is by now well settled position of law that the suspension is not an order of punishment. It is only an administrative decision on the part of the

authorities in the light of the certain faults which are detected against the employee/officer.

8. Another aspect which this Court would like to take note of while considering case is that the order of suspension is dated 29.8.2018 and by now it is

more than one month that the order of suspension has come into force and from the pleadings it does not appear that the petitioner has till date raised

any grievance/representation before any of the higher authorities in the department and neither to the officer who has placed him under suspension.

9. For all the aforesaid reasons, this Court does not find any strong case for this Court in exercise of its powers under Article 226 of the Constitution

of India to interfere with the impugned order of suspension.

10. The writ petition deserves to be and is accordingly dismissed.