



2026:CGHC:13584

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1261 of 2026

Rajesh Gupta S/o Shri L.B. Gupta Aged About 61 Years R/o Anandam World City, Kachna, Raipur, District Raipur, Chhattisgarh

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Public Health Engineering, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh

2 - Engineer-In-Chief Public Health Engineering, Indrawati Bhawan, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh

3 - Jal Jeevan Mission Through Its Mission Director, Neer Bhawan, Civil Lines, Raipur, District Raipur, Chhattisgarh

... **Respondent(s)**

For Petitioner	:Mr. Amrito Das, Advocate along with Mr. R.N. Gupta, Advocate
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For State	:Mr. Y.S. Thakur, Addl. Advocate General
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S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

18/03/2026

1. Petitioner has filed this petition seeking following reliefs:

“10.1 That, this Hon'ble Court may kindly be pleased to call for the entire records pertaining to issuance of the



orders dated 09.01.2026 (ANNEXURE P-1 & P-2) from the respondents for its kind perusal.

10.2 That, this Hon'ble Court may kindly be pleased to pass an appropriate order / writ quashing and setting aside the order of suspension dated 09.01.2026 (ANNEXURE P-1).

10.3 That, this Hon'ble Court may kindly be pleased to pass an appropriate order / writ quashing and setting aside the order of institution of departmental enquiry dated 09.01.2026 (ANNEXURE P-2).

10.4 That, this Hon'ble Court may kindly be pleased to pass an appropriate order / writ directing the respondents to reinstate the petitioner to his post with all consequential benefits.

10.5 That, the hon'ble court may kindly be pleased to direct to responded to issue for any other relief, which may deem properly.”

2. Learned counsel for the petitioner submits that petitioner was initially appointed on the post of Assistant Engineer in the year 1988. After appointment, petitioner worked with utmost sincerity and honesty to the satisfaction of the authority which led to his promotion to the post of Executive Engineer in the year 2005, thereafter to the post of Superintending Engineer in the year 2015, to the post of Chief Engineer in the year 2023. As of now petitioner has completed 38 years of service with excellence without any adverse remark. He is due to retirement on 31st August 2026. However, surprisingly he was served with an order of suspension dated 09.01.2026 and on the same date, another order was issued for initiating departmental enquiry against him. Due to issuance of aforementioned order, now junior to



petitioner has been given regular charge of Engineer-in-Chief even though he has only completed 2 years as Chief Engineer and not eligible for promotion to the post of Engineer-in-Chief. He contended that issuance of order of suspension and institution of departmental enquiry is on baseless, fabricated and non-existent grounds, only in order of humiliate and harass the petitioner. Reason assigned in issuance of order of suspension is that petitioner is negligent in discharging the work of Jal Jeevan Mission (hereinafter referred to as "*Mission*"), he has changed the articles without prior permission of competent authority which is absolutely baseless. He contended that the works under the Mission is executed under instruction of Ministry of Jal Shakti, Department of Drinking Water and Sanitation National Jal Jeevan Mission, Govt. of India. State Level Committee i.e. State Level Scheme Sanctioning Committee (hereinafter referred to as "*SLSSC*") is entrusted with responsibility to best the techno-economic review and input to the Apex Committee. SLSSC assist the State Water and Sanitation Mission (hereinafter referred to as "*SWSM*") i.e. Apex Committee.

3. In the minutes of meeting dated 30.09.2022 of SLSSC , decision was taken by it relating to change of material i.e. from DIK-7 Pipe to O-PVC Pipe. Minutes of Meeting was circulated vide letter dated 26.10.2022. SWSM (Apex Committee) is the final authority for policy making execution and implementation of Jal Jeevan Mission in the State. In the meeting dated 07.03.2023 SWSM has taken a decision for change of material from DIK-7 Pipe to O-PVC Pipe. He submits that based on the decision taken by both the committees i.e. SLSSC and SWSM Mission Director vide letter dated 10.4.2023 informed the Chief



Engineers of all the Circle that tender conditions have been modified.

In support of his contention he referred to Annexure P-11 enclosed along with writ petition. It is further contended that in the meeting dated 10.04.2023, tender conditions was finalized and further format for preparing list of suppliers was also finalized and in support of this argument he referred to Annexure P-12 enclosed along with writ petition. Financial evaluation was done for the work using O-PVC Pipes by the Financial Evaluation Committee on 07.01.2026 and for which petitioner is made an scapegoat owing to various newspaper articles and is penalized by way of issuance of impugned order.

4. Learned counsel for the State vehemently opposes submission of learned counsel for the petitioner and would submit that petitioner in writ petition has made an attempt to explain the scheme of Jal Jeevan Mission to make out a case. However, at this stage, where the petitioner has challenged the order of suspension, veracity of charges cannot be examined. Petition has been filed upon self serving statements. It is contention of learned counsel for the State that the challenge is to order dated 09.01.2026 (Annexure P-1) suspending the petitioner under Rule 9 (1) of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (for short "*Rules of 1966*") which is an order appealable under Rule 23 of the Rules of 1966. In above facts of case where petitioner is having efficacious statutory remedy of appeal under Rules of 1966, writ petition is not maintainable. Order dated 09.01.2026 (Annexure P-2) has been withdrawn vide order dated 06.02.2026 because charge sheet is under preparation and it will be issued in accordance with Rule 9 of the Rules of 1966. It is contention of learned counsel for the State that for any



work valued up to Rs.2 crores, Superintending Engineer is competent to grant technical sanction and for any project valued above Rs.2 crores, Chief Engineer is competent authority to grant technical sanction. Administrative approval for the work up to Rs.5 crores is given by the District Water Sanitation Mission (in short "DWSM") and above Rs. 5 crores, administrative approval is granted by S.W.S.M. Under Jal Jeevan Mission Scheme, approval is sought from SWSM and after administrative approval, work for which NIT (Notice Inviting Tender) has to be done, a separate estimate is prepared and technical sanction is sought as per Part-I Para-2.006 of the Works Department Manual, 1983 (for short "*Manual*"). If any change is made in any material then revised administrative approval has to be sought from the competent authority as per para 2.005 (3) of the Manual. Petitioner is the Chief Engineer of Raipur Zone and holding additional charge of Bilaspur Zone and thereby he is in control of scheme of Jal Jeevan Mission of these two zones. Petitioner has violated the condition No.3 of Clause 2.005 under head of revised administrative approval whereby under Jal Jeevan Mission DIK-7 Pipes were to be used for the project but petitioner on his whims and choice used O-PVC pipes without seeking administrative approval from competent authority which shows clear violation of norms prescribed for the scheme. Therefore, petitioner was issued show cause notice dated 02.12.2024 (Annexure P-4). However, reply submitted by petitioner was not satisfactory. It is for this reason petitioner was served with show cause notice. Petition being devoid of merit is liable to be dismissed.

5. I have heard learned counsel for the parties and also perused the documents annexed along with writ petition.



6. From perusal of pleadings and submission made by learned counsel for respective parties and document under challenge would show that order of suspension is issued to petitioner alleging that petitioner was negligent in his work and has changed the article without prior approval of competent authority. Document which is referred by learned counsel for petitioner in support of his contention that the allegation against the petitioner of changing articles without prior approval of competent authority is incorrect, would show that document Annexure P-11 is a letter written by Mission Director of Jal Jeevan Mission. Clause- 2 of the letter which is referred by learned counsel for the petitioner in his argument would show that it only talks about work experience with respect to PVC Pipeline. It nowhere mentions about anything of approval for O-PVC Pipe instead of DIK-7 Pipe. Annexure P-12 is document of approving the draft tender document. During course of argument this Court has asked pinpointed question to learned counsel for the petitioner with regard to granting prior permission/approval/sanction of competent authority for change of DI K-7 Pipe to OPVC Pipe. However, document which is referred to is the proceeding of meeting and no document has been shown that decision of the Committee has been forwarded to petitioner for its action.

7. As the scheme constitute of multilevel committees and therefore also unless and until specific sanction/permission/approval is granted by the competent authority for change of articles as is forming part in the draft tender for issuance of tender notification, petitioner would not take a shelter that as approval is given in the agenda placed in the meeting, to be the approval and sanction of competent authority. In page No.99 of writ petition it is mentioned that for use of O-PVC Pipe in



place of DIK- 7 Pipe, committee is agreed to take permission at State Level. In this document also there is no mention that approval/permission/sanction has been granted by the competent authority. This document is part of proceeding of tender committee dated 25.10.2024. Even after putting specific query on multiple occasions about any directive issued by the competent authority for use of OPVC Pipe, petitioner failed to demonstrate the same. Draft Tender document is placed in record by learned counsel for the State along with covering memo which mentions material to be used in Jal Jeevan Mission of Clear Water Gravity Mains Pipe DIK -7- 500 dia - 100 mm, 400 mm dia - 4890 m, 350 mm dia 20 m & 300 mm dia - 4829 m. Use of DIK-7 Pipe is specifically mentioned in draft tender document and therefore in the facts of case I do not find any good ground or any document so as to accept submission of learned counsel for the petitioner that according to decision taken by the Committee it was intimated to petitioner and other Chief Engineers for change of Pipe from DIK-7 Pipe to O-PVC Pipe of above specifications.

8. Though petitioner has pleaded that junior to petitioner has been given charge of Engineer-In-Chief , however, there is no specific pleading that the charges /allegation mentioned in suspension order is baseless, malice or vindictive. I do not find any material in the document enclosed along with writ petition even to accept the submission of learned counsel for the petitioner that exercise is done only to keep the petitioner out of employment.



9. Respondent authority being employer can pass the order of suspension in contemplation of enquiry or on the ground of misconduct. When the disciplinary authority seeks to suspend an employee in contemplation of enquiry or pending investigation, it is not a punishment but it is only one of forbidding or disabling an employee to discharge the duties of office or post held by him. Interference with the order of suspension can only in exceptional circumstances where the charges levelled is baseless without any material or order of suspension passed by the authority, who is is not competent .

10. Hon'ble Supreme Court in case of **State of Orissa Vs. Bimal Kumar Mohanti** reported in **(1994) 4 SCC 126** has observed as under

“13..... Suspension is not a punishment but is only one of forbidding or disabling an employee to discharge the duties of office or post held by him.”

11. In case of **Union of India and Anr. Vs. Ashok Kumar Aggarwal** reported in **(2013) 16 SCC 147**, Hon'ble Supreme Court has held thus:

“26..... Where the charges are baseless, mala fide or vindictive and are framed only to keep the delinquent employee out of job, a case for judicial review is made out. But in a case where no conclusion can be arrived at without examining the entire record in question and in order that the disciplinary proceedings may continue unhindered the court may not interfere.”.....

27. Suspension is a device to keep the delinquent out of the mischief range. The purpose is to complete the proceedings unhindered. Suspension is an interim



2026:CGHC:13584

measure in aid of disciplinary proceedings so that the delinquent may not gain custody or control of papers or take any advantage of his position. More so, at this stage, it is not desirable that the court may find out as which version is true when there are claims and counter claims on factual issues. The court cannot act as if it an appellate forum de hors the powers of judicial review.”

12. In the aforementioned facts of case, discussions made above and decisions of Hon'ble Supreme Court in case of **Bimal Kumar Mohanty** (supra) and **Ashok Kumar Aggarwal** (supra) , I am of the view that petitioner could not able to make out a case calling interference of this Court with the order of suspension Annexure P-1 in exercise of power of judicial review.

13. Accordingly writ petition is dismissed.

Sd/-

(Parth Prateem Sahu)

Judge