



2026:CGHC:13379



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1008 of 2026

1 - Tulsidas Markam S/o Shri Ramchandra Singh Aged About 47 Years
Posted Deputy Collector, District Gariaband, And Holding Charge Of Sub-
Divisional Officer (Revenue), Mainpur, District Gariaband C.G.

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, General Administration
Department Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur
C.G.

2 - Commissioner, Raipur Division, Raipur C.G.

3 - Collector, District Gariaband C.G.

4 - Additional Collector, District Gariaband C.G.

--- **Respondent(s)**

WPS No. 1639 of 2026

1 - Tulsidas Markam S/o Shri Ramchandra Singh Aged About 47 Years
Posted Deputy Collector, District Gariaband, And Holding Charge Of Sub-
Divisional Officer (Revenue), Mainpur, District : Gariyabandh, Chhattisgarh

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through The Secretary, General Administration
Department, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District : Raipur,
Chhattisgarh

2 - The Chief Election Officer D. K. S. Bhawan, Old Mantralaya Premises,
D.K.S. Bhawan, Raipur, District : Raipur, Chhattisgarh

3 - The Commissioner Raipur Division, District : Raipur, Chhattisgarh

4 - The Collector District Gariaband, Chhattisgarh

5 - Ramsingh Sori Presently Posted As Sub- Divisional Officer (Revenue),
Devbhog, District : Gariyabandh, Chhattisgarh



--- Respondent(s)

(Cause title is taken from CIS system)

For Petitioner	: Mr. Goutam Khetrapal, Advocate
For Respondents/State	: Mr. Gairy Mukhopadhyay, Additional A.G.

Hon'ble Shri Justice Parth Prateem Sahu**Order On Board****19/03/2026**

1. Petitioner has filed WPS No. 1008 of 2026 seeking following relief (s) :-

“10.1 That this Hon’ble Court may kindly be pleased to quash and set-aside the impugned suspension order dated 16.01.2026 (Annexure P-1) passed by the Commissioner, Raipur Division, as being illegal, without jurisdiction, and contrary to the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 and allow the petitioner to continue on the post of Sub-Divisional Officer (Revenue), Mainpur, District Gariaband (C.G.)

10.2 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given.”

2. Petitioner has filed WPS No. 1639 of 2026 seeking following relief (s) :-

“10.1 That this Hon’ble Court may kindly be pleased to quash and set aside the impugned orders dated 03.02.206 and 11.01.2026 (Annexure P-1) and further be pleased to direct the respondents to allow the petitioner to continue on the post of Sub-Divisional Officer (Revenue), Mainpur, District Gariaband (C.G.).



10.2 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given.”

3. Learned counsel for petitioner submits that in the facts of the case, where State Government has already taken cognizance on the complaint of the Collector and have issued a show cause notice (Annexure P-12) dated 14.01.2026 asking petitioner to submit reply, under Rule 16 of Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (In short ‘the Rules, 1966’), respondent No.2/Commissioner could not have been suspended petitioner vide order dated dated 16.01.2026 Annexure P-1 (i.e. immediately after two days of issuance of show cause notice).
4. Learned State counsel opposes the submission of learned counsel for petitioner and would submit that pursuant to the gazette notification dated 04.08.2008, State Government has delegated the power upon all Divisional Commissioner of the State to impose penalty specified in Clause (i) to (iv) of Rule 10 of the Rules, 1966 on Class-II officer. The Commissioner was well within the jurisdiction to pass an order of suspension. It is not a case that order of suspension is passed by the officer having no jurisdiction or authority under law. He also submits that if petitioner is aggrieved on the merits of the reasons assigned for suspending petitioner, petitioner is having remedy of appeal as provided under Rule 23 of the Rules, 1966.
5. I have heard learned counsel for parties and perused the documents placed on record.



6. Perusal of the documents enclosed along with writ petition as Annexure P-12, which is referred by learned counsel for petitioner would show that it is a show cause notice issued by the State Government. Order Annexure P-1 with which petitioner is aggrieved and has filed writ petition is an order of suspension passed by Commissioner, Raipur Division, Raipur. Petitioner is working within the territorial jurisdiction of the Commissioner, Raipur, Division Raipur. According to the notification issued by the State Government, the Commissioner was delegated the power to impose penalty upon the Class-II Officers as provided under Rule 10 (i) to (iv) of the Rules, 1966.
7. When case came up for hearing on first day, learned counsel made following submission :-

“ Learned counsel for petitioner submits that petitioner is holding the post of Deputy Collector and is under the direct control of State Government. State Government pursuant to some act of petitioner has issued show cause notice on 14.01.2026 seeking reply, however, within a period of two days from the show cause notice issued by the State Government, respondent No.2 has issued an order of suspension. He contended that when once the State Government i.e. appointing authority has already taken cognizance of the act of petitioner to be attracting one of the misconduct under the Rules, then the subordinate authority to appointing authority could not have passed the order of suspension.

Learned State counsel submits that he will file reply to the interim application also.



On due consideration on the submission of learned counsel for parties, purely as interim measure, it is directed that effect and operation of the impugned order dated 16.01.2026 (Annexure P-1) shall remain stayed, till the next date of hearing.”

8. In the aforementioned facts of the case, Commissioner is having jurisdiction to pass the order of suspension Annexure P-1, therefore, in the opinion of this Court it cannot be said that the order of suspension passed against petitioner is without jurisdiction or without any authority of law, therefore, in the facts of the case I am not inclined to interfere with the said order. More so when according to decision of Hon'ble Supreme Court in case of **Union of India v. Ashok Kumar Aggarwal, (2013) 16 SCC 147**, the order of suspension can be interfered only on limited grounds like order is passed by an officer, who is having no jurisdiction or is passed with malafide intention. No such ground is made out.
9. For the foregoing discussions, Writ Petition (S) No.1008 of 2026 is without any merit, which is liable to be and it is hereby dismissed..
10. In light of the order passed in WPS No. 1008 of 2026, as referred to in the preceding paragraph, whereby the writ petition was dismissed, and considering the nature of the relief as sought in WPS No. 1639 of 2026, it is also dismissed.

Sd/-
(Parth Prateem Sahu)
Judge