

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3330 of 2014

- Dr. S.P. Tiwari Son of Shri K. P. Tiwari, Aged About 54 years, Posted As Principal, Government Higher Secondary School, Mendrakala, Ambikapur District Surguja (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Tribal Welfare Department, Mahanadi Bhawan, Mantralaya, New Raipur (C.G.)
2. The Commissioner, Surguja Division, Ambikapur, District Surguja (C.G.)
3. The Collector, Ambikapur, District Surguja (C.G.)
4. The Deputy Collector, Ambikapur, District Surguja (C.G.)
5. The Assistant Commissioner, Ambikapur, Dismissed Surguja (C.G.)

---- Respondents

For Petitioner	: Shri Rahul Mishra, Advocate
For Respondent/State	: Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

28/04/2015

1. Petitioner who is working as Principal in Government Higher Secondary School, Mendrakala, Ambikapur has challenged the legality and validity of the order dated 07th May, 2014 passed by the Collector, Surguja constituting a departmental enquiry against him in accordance with the provision contained in Rule 14 of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966.
2. Learned counsel for the petitioner would submit that the Collector has no jurisdiction to direct and constitute a departmental enquiry against a Class-II Gazetted government servant.

3. Learned State counsel would submit that the State Government has recently issued a circular authorizing the Collector to constitute an enquiry against officers upto Gazetted Class-II rank in the Department of School Education and Tribal Development.

4. Learned counsel for the petitioner would submit that the Enquiry Officer is proceeding ahead with the enquiry without deciding the objection.

5. In view of the statement made by learned State counsel that the Collector is now authorized to constitute an enquiry against the Class-II Gazetted Officer in the Department of School Education and Tribal Development, the writ petition is disposed of with a direction that the Enquiry Officer shall decide the petitioner's objection in consultation with Collector, Surguja, before proceeding further in the matter.

6. The decision may be taken by the Enquiry Officer within a period of two months from today. It is made clear that the Enquiry Officer shall not keep the enquiry pending on the pretext of deciding the objection raised by the petitioner. After deciding the objection the Enquiry Officer shall intimate the Collector about the decision taken by him.

JUDGE