

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1981 of 2015**

- Thomas Toppo, S/o Late Shri Agustus Toppo, aged about 58 years, presently posted and working as Senior Secretary, Chhattisgarh State Agriculture Marketing Board, R/o Near Housing Board Colony, Namnakala, Ambikapur, P.S. Gandhi Nagar, Dist. Sarguja (CG).

---- Petitioner**Versus**

1. State of Chhattisgarh, Through the Secretary, Department of Krishi Upaj Mandi, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur , District Raipur (CG)
2. Chhattisgarh State Agriculture Marketing Board, through Its Managing Director, Beej Bhawan, Ground Floor, Ravigram, G.E. Road, Telibandha, Raipur District Raipur (CG)
3. Managing Director, Chhattisgarh State Agriculture Marketing Board, Beej Bhawan, Ground Floor, Ravigram, G.E. Road, Telibandha, Raipur District Raipur (CG)
4. Collector, Ambikapur(Sarguja) (CG)

---- Respondents

For Petitioner	:	Shri Rajeev Shrivastava & Shri Malay Shrivastava, Advocates
For Respondents/State	:	Shri Sangharsh Pandey, Dy. GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****23/06/2015**

1. Petitioner is challenging the constitution of departmental enquiry against him on the ground that the petitioner being a Schedule Tribe employee, constitution of such enquiry is contrary to the State Government's circular dated 6-8-2003 and further that the petitioner is harassed during his entire

service career for no fault of his.

2. It is settled principle of law that neither the disciplinary proceedings nor the charge-sheet be quashed at a initial stage as it would be a premature stage to deal with the issues. (See: **Secretary, Ministry of Defence And others v. Prabhash Chandra Mirdha**¹)
3. The circular dated 6-8-2003 relied by the petitioner nowhere says that even in cases where the employee is *prima facie* guilty of committing serious misconduct in discharge of his duties, the departmental enquiry should not be constituted.
4. For the foregoing, the writ petition has no substance, it deserves to be and is accordingly dismissed. However, since the petitioner is due to retire within two years, it is directed that the enquiry officer shall complete the enquiry at the earliest, so that the petitioner's pension case does not get protracted because of pendency of the enquiry proceedings.

Sd/-

(Prashant Kumar Mishra)

JUDGE

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¹ (2012) 11 SCC 565