NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2600 of 2015

1. R. G. Jangde S/o Shri Lalji Jangde Aged About 60 years (The Then Sub Engineer, Janpad Panchayat Bilaigarh, District Raipur Chhattisgarh Presently Working As Sub Divisional Officer Suspended Rural Engineering Service Sub Division Abhanpur, Tahsil Abhanpur Civil & Revenue District Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Additional Chief Secretary, Department Of Panchayat & Rural Development, Mahandi Bhawanm, New Riapur Chhattisgarh

2. The Deputy Secretary Department Of Panchayat & Rural Develpment Mahandi Bhawan, New Raipur Chhattisgarh

3. The Commissioner Raipur Division Raipur Chhattisgarh

4. D.K. Malewar Departmental Enquiry Officer Cum Adhikshan Abhiyanta, Rural Engineering Service Division Raipur, Civil & Revenue District Raipur Chhattisgarh

5. Presentation Officer Cum Executive Engineer, Rural Engineering Service Circle Balodabazar, Civil & Revenue District Balodabazar Chhattisgarh

---- Respondent

For Petitioner Shri P.M. Srivas, Advocate
For Respondent/State Shri Majid Ali, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

29/07/2015

1. Heard learned counsel for the parties.

2. Petitioner has preferred this writ petition seeking quashment of the notice dated 11-6-2015 issued by the State Government in the Department of Panchayat and Rural Development and the order dated 25-6-2015 passed by the Commissioner, Raipur Division.

3. The notice Annexure – P/1 has been issued on culmination of enquiry, proposing punishment of recovery of Rs.10,11,234/- and stoppage of one increment without cumulative effect. Since the petitioner has been granted opportunity by the disciplinary authority and no argument has been raised as to how this notice is illegal or without authority of law, there is no ground for interference with the show cause notice.

4. A reading of the order Annexure – P/2 would reveal that the petitioner was earlier posted as In-charge Sub Divisional Officer, Rural Engineering Services and has now been reinstated, on revocation of his suspension, and posted as Sub Engineer in the office of the Chief Executive Officer, Janpad Panchayat.

5. When enquired about the petitioner's substantive post, learned counsel was not able to inform this Court about this aspect. The show cause notice Annexure – P/1 refers to the petitioner as 'the then Sub Engineer', therefore, it appears the petitioner's

substantive post is Sub Engineer, but was posted as In-charge Sub Divisional Officer, therefore, the order Annexure – P/2 is not a case of reversion to a lower post.

6. The writ petition is without any substance on both counts, therefore, the same is dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Gowri