

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2704 of 2015

- Arun Kumar Thakur, Aged 58 years, S/o Shri C.S. Thakur, Working As ASI (M) / L.D.C. O/o The Superintendent of Police, Jagdalpur, Distt.- Bastar [Chhattisgarh]

---- Petitioner

Versus

- State Of Chhattisgarh Through- Its Secretary, Department Of Home & Police, Mantralay, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
- The Director General Of Police, Chhattisgarh, Raipur
- The Inspector General Of Police, Bastar Range, Bastar [Chhattisgarh]
- The Superintendent of Police, Jagdalpur, Distt.- Bastar [Chhattisgarh]

---- Respondents

For Petitioner
For Respondent/State

Mr. R.K. Kesharwani, Advocate
Mr. Y.S. Thakur, Dy. A.G.

S.B.: Hon'ble Mr. Prashant Kumar Mishra

Order On Board

30/7/2015

Heard finally with the consent of learned counsel for the parties.

(2) The petitioner is assailing the show cause notice dated 14.07.2015 issued by the Director General of Police, Chhattisgarh asking him to show cause as to why he should not be punished in view of the seriousness of the charges.

(3) The petitioner was earlier removed from service, which was

under challenge before the erstwhile State Administrative Tribunal and was later on transferred and registered in this Court as W.P.(S) No.1283 of 2005. Setting aside the order of appellate authority, this Court remitted back the matter to the appellate authority to decide the petitioner's appeal. Thereafter, the appellate authority has passed an order on 05.09.2014 reinstating the petitioner in service.

(4) Against this order, the Director General of Police has exercised *suo motu* revisory powers under clause 270 of Chhattisgarh Police Regulations. Since the impugned notice emanates from statutory power, it cannot be said to be without jurisdiction.

(5) It is the settled law that ordinarily, the writ petition would not lie against a show cause notice unless the authority issuing the notice lacks jurisdiction to issue such a notice.

(6) For the foregoing, there is no substance in the writ petition. It fails and is hereby dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)