

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2305 of 2015

- Baldev Singh S/o Late Shri Bhuvan Singh Aged About 61 years Vehicle Driver (Suspended) Tribal Department Durg, P.S. Durg, Civil & Revenue District Durg Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh Through Secretary Of Tribal Development Department Mahanadi Bhawan New Mantralaya Raipur, Raipur District Raipur Chhattisgarh
2. Collector Durg, Civil & Revenue District Durg Chhattisgarh
3. Assistant Commissioner Tribal Department Durg, Civil & Revenue District Durg Chhattisgarh
4. Chief Executive Officer Janpad Panchayat Durg , Civil And Revenue District Durg Chhattisgarh
5. Sushila Sharma (Menon) D/o E.S. Menon, aged about 45 years, Asst. Grade - II, Tribal Development Department Durg Chhattisgarh

---- Respondents

For Petitioner

Shri Punit Ruparel, Advocate

For Respondent/State

Shri Sangharsh Pandey, Dy. GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

20/07/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. The petitioner is assailing the charge sheet issued to him on 09.03.2002, on the ground that the petitioner is aged about 61 years, therefore, being on the verge of retirement, the enquiry would

unnecessarily delay the payment of retiral benefits.

3. 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)
4. The charges against the petitioner are of insubordination, indiscipline, abusing the other employees and being suffered from epilepsy but not medically examining himself despite direction issued by the superiors.
5. In view of the settled legal position, the charge sheet/departmental enquiry cannot be quashed at this stage, however, the respondents are directed to conclude the departmental enquiry at the earliest.
6. The writ petition stands dismissed, subject however to the above observation.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala

1 (2012) 11 SCC 565