

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (S) No.866 of 2016**

Yashwant Tandon son of Chaitram Tandon, aged about 42 years, resident of Dubey Colony, Mowa, P.S.-Mowa, Pandri, District-Raipur (CG)

---Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur (CG)
2. The Chief Executive Officer, Zila Panchayat, Raipur, District-Raipur (CG)
3. The Collector, Raipur, District-Raipur (CG)
4. The Chief Executive Officer, Janpad Panchayat Arang, District Raipur (CG)

---Respondents

For Petitioner	:	Mr. Gautam Khetrapaol, Advocate
For Res. No.1 and 3	:	Mr. S.P.Kale, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

08/04/2016

1. Learned counsel for the petitioner would submit that by order dated 3.12.2015, the petitioner has been subjected to suspension and charge-sheet has been served and departmental enquiry has been instituted. He would further submit that charges framed in this charge-sheet and charge-sheet issued earlier and concluded by order imposing punishment both are one and the same, therefore, present second departmental enquiry is not maintainable in law and deserves to be quashed.

2. Learned counsel for the State would submit that the petitioner has not filed his reply to the charge-sheet, therefore, the

petition is premature and the petitioner is free to file reply raising all such grounds in his reply.

3. Learned counsel for the petitioner would submit that the petitioner may be allowed to raise all the grounds which are raised in this petition including question of similarity of charges and non maintainability of second departmental enquiry before the Disciplinary Authority.

4. Prayer is fair and reasonable.

5. If such a question is raised before the Disciplinary Authority, the Disciplinary Authority would do well to consider and decide the said question in accordance with law expeditiously. It is made clear that this Court has not expressed any opinion on merits of the matter.

6. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-