

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2187 of 2016

Smt. Anuradha Mandal W/o Krishna Mandal Aged About 25 Years Presently Working On The Post Of Rojgar Sahayak Village Panchayat- Dhangaon P. S. Ramnujganj Distt. Balrampur Ramanujganj (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development Mahanadi Bhawan, New Raipur, Distt. Raipur (Chhattisgarh)
2. The Collector Balrampur Distt. Balrampur Ramanujganj (Chhattisgarh)
3. The Chief Executive Officer Janpad Panchayat Balrampur Distt. Balrampur Ramanujganj (Chhattisgarh)
4. The Lokpal Mahatma Gandhi Rural Employment Guaranty Scheme Surguja Balrampur Office Zila Panchayat Surguja (Ambikapur) (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri A.N. Pandey, Advocate
For State	:	Shri S.P. Kale, Dy. Advocate General

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/06/2016

Heard on admission.

1. The petitioner is aggrieved by communication dated 13.5.2016 by which the Chief Executive Officer, Janpad Panchyat, Balrampur has informed the SHO of Ramanujganj to register FIR against the petitioner on the ground that the Lokpal, vide his award dated 16.6.2015, has recommended initiation of criminal proceedings against Sarpanch and Secretary.
2. Learned counsel for the petitioner submits that in the order of Lokpal, there is no finding recorded as against the petitioner, who, at that time, was working as Rojgar Sahayak. The recommendation is for recovery from Sarpanch,

Secretary, SDO and Technical Assistant, disciplinary action against SDO, Technical Assistant and institution of criminal case against the Sarpanch and Secretary only.

3. On perusal of this award, State counsel also could not point out that the recommendation has been made against the petitioner also.
4. The letter issued by the Chief Executive Officer to the SHO of Police Station Ramanujganj is only an information and cannot constitute a command. Whether in a given case, offence is required to be registered or not is within the jurisdiction of the Station House Officer and he is not expected to act on the dictates of any authority much less the Chief Executive Officer, Janpad Panchayat. Therefore, the Station House Officer should not act mechanically. The letter issued by the Chief Executive Officer should be treated as mere information only and not a command for institution of any criminal case against the petitioner.
5. With the aforesaid observations, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge