

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 2359 of 2016**

P. K. Sharma S/o Late Rajaram Sharma, Aged About 58  
 Years Presently Working As Chief Executive Officer, Zila  
 Antyavasayi Sahkari Vikas Samiti, Raigarh (Chhattisgarh) R/o  
 Sarkanda, Bilaspur, P. S. Sarkanda, District Bilaspur  
 (Chhattisgarh)

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Scheduled  
 Caste And Scheduled Tribe Welfare Department, Mahanadi  
 Bhawan, Mantralaya, New Raipur, District Raipur  
 (Chhattisgarh)
2. Managing Director, Chhattisgarh State Antyavasai Sahakari  
 Vitta Evum Vikas Nigam, B-9, Sector- 5, Devendra Nagar,  
 Raipur (Chhattisgarh)
3. Collector, Bilaspur, District Bilaspur (Chhattisgarh)
4. Collector, Raigarh, District Raigarh (Chhattisgarh).
5. Assistant Commissioner Tribal Welfare Department,  
 Composite Building, Collectorate, Bilaspur (Chhattisgarh)
6. R. P. Verma, Senior Treasury Officer, Collectorate Building,  
 Bilaspur (Chhattisgarh)
7. Gaurang Sao, General Manager, Zila Vyapar Udyog Kendra,  
 New Composite Building, Bilaspur (Chhattisgarh)

**---- Respondents**


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Ms. Naushina Ali, Advocate for the petitioner/s.  
 Mr. S.P. Kale, Dy. A.G. for the State.

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****27/06/2016**

Heard on admission.

This petition has been filed by the petitioner seeking  
 quashment of notice dated 16.05.2016 and communication dated  
 15.06.2016 Annexure P/1 and P/2 respectively. The petitioner also

prayed for direction to supply the documents sought by the petitioner, furnishing copy of enquiry report and also to restrain respondent No.3 from taking any coercive steps till submission of explanation to the notice upon receipt of relevant document.

2. Learned counsel for the petitioner submits that on certain allegations, a notice was given to the petitioner by the third respondent on 16.05.2016 in response to which, the petitioner sought supply of relevant document vide his letter dated 25.05.2016 followed by another demand letter dated 28.05.2016. However, till date, no documents have been supplied and the petitioner is apprehending that without affording proper opportunity of hearing, penalty may be imposed on the petitioner by the Collector.

3. The other grievance of the petitioner is that even before enquiry is complete, the second respondent has responded to letter dated 16.05.2016 of the Collector to lodge FIR, if necessary.

4. As far as notice dated 16.05.2016 is concerned, it is a show cause notice to initiate enquiry against the petitioner. It does not propose any penalty. In any case, if any penalty is proposed to be imposed on the petitioner, it goes without saying that the petitioner would be entitled to a proper opportunity of hearing which includes supply of necessary information sought by the petitioner. Whether in a given case, principle of natural justice would be satisfied upon allowing inspection of the document, relevant document or supply of document would depend upon the facts and circumstances of every case. Learned counsel for the petitioner submits that till date, no order of penalty has been passed. Therefore, at this stage, this Court does not wish to comment any more except observing that the principle of natural justice would require due observance depending upon the facts and circumstances of the case.

5. As far as lodging of FIR is concerned, letter dated 15.06.2016 of the second respondent shows that the first report submitted by the Collector, has not been accepted on the ground that the report was submitted without hearing the affected officer.

6. It only records that if necessary, FIR may be lodged. This is

too premature stage for this Court to intervene in the matter in so far as institution of criminal proceeding are concerned. It appears that the matter is at the level of departmental correspondence as between Managing Director and the Collector.

7. In case, any report is lodged in the police Station, it is for the concerned police authority to examine whether a case for registration of FIR for alleged commission of offence is made out or not. In case, any FIR is registered against the petitioner, the petitioner, definitely, has the remedy to challenge institution of criminal proceeding in appropriately constituted petition. The authority, who is making enquiry, should pass a speaking order on application for supply of document before passing any adverse order against the employee.

8. Subject to the aforesaid observation, the petition is disposed off.

Sd/-

**(Manindra Mohan Shrivastava)**  
**J U D G E**