

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 904 OF 2016

Dharam Lal Banjare son of Sudhram Banjare aged about 32 years resident of village Mulethi Police Station Mandir Hassaud Block Arang District Raipur Chhattisgarh

---Petitioner

Versus

1. State of Chhattisgarh through the Secretary Panchayat and Rural Development Department Mahanadi Bhavan Mantralaya New Raipur Chhattisgarh
2. The Chief Executive Officer Zila Panchayat Raipur District Raipur Chhattisgarh
3. The Collector Raipur District Raipur Chhattisgarh
4. The Chief Executive Officer Janpad Panchayat Arang District Raipur Chhattisgarh

----Respondents

For Petitioner	:	Dr. N.K. Shukla, Sr. Advocate with Mr. Goutam Khetrapal, Advocate
For Respondent/State	:	Mr. S.P. Kale and Mr. Arun Sao, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

01/04/2016

1. Learned counsel for the petitioner would submit

that by order dated 03/12/2015, 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, 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.

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

Sd/-
(Sanjay K. Agrawal)
Judge