

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (S) No.5769 of 2016

- Mahendra Kumar Paikara, Aged 32 years S/o Shri Amarlal Paikara Occupation-Peon at Tahsil Office Arang, P.S.-Arang, District-Raipur (CG)

---- Petitioner

Versus

1. The Collector Raipur, District Raipur (CG)
2. The Departmental Enquiry Officer, Upper Collector (R.), Raipur, District Raipur (CG)

---- Respondents

For Petitioner	:	Mr.Jitendra Nath Nande, Advocate
For Respondents	:	Mr.Dhiraj Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

20/10/2016

1. The grievance of the petitioner is that he is facing departmental enquiry in accordance with the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (hereinafter called as "the Rules of 1966"), but he is not being allowed to produce the defence witnesses.
2. Learned Government Advocate appearing for the respondents/State would submit that the petitioner is entitled to examine the defence witnesses in accordance with sub-rule (17) of Rule 14 of the Rules of 1966.
3. Sub-Rule (17) of Rule 14 of the Rules of 1966 reads as under:-

“(17) The evidence on behalf of the Government

servant shall then be produced. The Government servant may examine himself in his own behalf if he so prefers. The witnesses produced by the Government servant shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provisions applicable to the witnesses for the disciplinary authority.”

4. In view of above, the disciplinary authority is directed to strictly comply with the provisions contained in sub-rule (17) of Rule 14 of the Rules of 1966 in the departmental proceedings so far as the production of defence witnesses are concerned and summon the defence witnesses at the cost of the delinquent employee to appear before the Enquiry Officer for the purpose of examination of the witnesses.
5. With the aforesaid observation, the writ petition stands disposed of.
No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-