

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5075 of 2016

Deman Chandrakar S/o. Late Shri Baratu Ram Chandrakar, Aged About 52 Years R/o. Police Outpost Jalbandha, Police Station Khairagarh, Tahsil Khairagarh, District Rajnandgaon (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Home Secretariat, Mahanadi Bhawan, New Raipur, P. S. And Post Rakhi District Raipur (Chhattisgarh)
2. Director General Of Police (D G P), Police Headquarter, Near Mahanadi Bhawan, New Raipur, P. S. And Post Rakhi District Raipur (Chhattisgarh)
3. Inspector General Of Police (I G P), Office Of Inspector General Of Police, 32 Bungalow, Bhilai, District Durg (Chhattisgarh)
4. Superintendent Of Police (S. P.), Office Of Superintendent Of Police, Rajnandgaon, District Rajnandgaon (Chhattisgarh)
5. Sub Divisional Officer (Police) And Enquiry Officer, Office Of Sub Divisional Officer (Police), Khairagarh, District Rajnandgaon (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Abhishek Pandey, Advocate
For State	:	Shri Dhiraj Wankhede, Govt. Advocate

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

Order On Board

22/09/2016

Heard on admission.

1. The petitioner has sought quashing of charge sheet dated 18.6.2016 by which departmental enquiry has been instituted against the petitioner. The petitioner has also prayed that a direction be issued to the authority to supply document sought by the petitioner for his defence in rebuttal of charges.
2. The only ground to seek quashment of departmental enquiry, as borne out from

the petition, is that the documents are not being supplied. It is found that the petitioner has already made an application. Irrespective of whether the documents have been supplied or not, at this stage, departmental enquiry cannot be quashed only on this ground. However, whenever, an application for supply of documents is filed by the delinquent employee during pendency of the departmental enquiry, as far as the documents relied upon by the prosecution are concerned, the employee is entitled to a copy thereof or if the documents are voluminous, atleast inspection of those documents of the prosecution.

As far as demand of documents which are claimed to be necessary to defend in rebuttal of charges, the authority has to decide with regard to the relevancy of such documents. If the documents are found to be relevant, in that case, the employee is entitled to supply or at least inspection of the documents before examination of the defence witnesses.

3. In this case, the petitioner has moved application for supply of certain documents. The competent authority, before proceeding further in the enquiry, should take a decision on petitioner's application and if, subject to decision of relevancy, the document are available with the respondents, the petitioner should be supplied copy or at least allowed inspection.
4. With the observation and direction as above, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge