

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No.5457 of 2006**

Khushal Jogi, aged about 43 years, S/o Shri Sadashiv Jogi, Driver,
Chhattisgarh Legislative Assembly Raipur (CG).

---- Petitioner**Versus**

1.Chhattisgarh Legislative Assembly Secretariat through Secretary
Chhattisgarh Legislative Assembly Secretariat Raipur (CG).

2.Madhya Pradesh Legislative Assembly Secretariat through Secretary,
Madhya Pradesh Legislative Assembly Secretariat Bhopal (MP).

---- Respondents

For Petitioner : Mr. V.G.Tamaskar, Advocate
For Respondent No.1:Mr. B.P. Sharma, Advocate
For Respondent No.2: None present, though served.

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

16/11/2017

(1) This writ petition has been filed by the petitioner questioning legality of order dated 21.05.2001 (Annexure P/5) and order dated 29.10.2001 (Annexure P/6) passed by respondent No.2 by which in exercise of power conferred under the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules 1966, respondent No.2 has imposed the penalty of stoppage of two annual increments with cumulative effect and also imposed a fine of Rs.13,000/- against the petitioner.

(2) Learned counsel appearing for the petitioner would submit that the impugned orders are unsustainable and bad in law as the petitioner's service has been allocated to the State of Chhattisgarh since 01.11.2000 and, therefore, respondent No.2 is neither the appointing authority nor disciplinary authority to impose punishment

or to take disciplinary action against the petitioner, therefore, impugned orders deserve to be quashed.

(3) On the other hand, learned counsel appearing for respondent No.1 would submit that both the orders have been passed by respondent No.2-Secretary, Madhya Pradesh Legislative Assembly Secretariat, Bhopal, therefore this Court has no jurisdiction to entertain the instant writ petition as the proper Court is Madhya Pradesh High Court.

(4) I have heard learned counsel appearing for the parties, considered their rival submissions and also gone through the impugned orders with utmost circumspection.

(5) Admittedly and undisputedly the orders have been passed by respondent No.2 i.e. Madhya Pradesh Legislative Assembly, Bhopal inflicting the penalty upon the petitioner and, as such this Court has no territorial jurisdiction to entertain this writ petition. Accordingly, the writ petition is finally disposed of reserving liberty in favour of the petitioner to question the impugned order in appropriate court in accordance with law. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-