

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4439 of 2017

Smt. Sarita Bai W/o Shri Narayan Singh Aged About 38 Years Occupation Officer Assistant Grade I Posted At C G Rajya Gramin Bank, Branch Tapkara, District Jashpur Chhattisgarh.

---- Petitioner

Versus

1. Chhattisgarh Rajya Gramin Bank Through Its Chairman, Head Office, Mahadeo Ghat Raod, Sunder Nagar, Raipur Chhattisgarh.
2. Chhattisgarh Rajya Gramin Bank, Through Its General Manager, Head Office Mahadeo Ghat Road, Sunder Nagar, Raipur Chhattisgarh.
3. Regional Manager, Chhattisgarh Rajya Gramin Bank, Mishra Complex, 3rd Floor, Chakradhar Nagar, Raigarh, District Raigarh Chhattisgarh.

---- Respondents

For Petitioner : Shri K. N. Nande, Advocate

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

Order On Board

04/09/2017

Heard.

1. The petitioner has filed this petition being aggrieved by the proceedings of departmental enquiry on ground that the petitioner is not being afforded proper opportunity of hearing.
2. Learned counsel for the petitioner submits that after charge sheet was served on the petitioner and when enquiry was initiated on the first date the petitioner sought 15 days to time to engage defence assistant against which 7 days time was granted only. Thereafter, the proceedings were initiated and on 3.5.2017, the only prosecution witness was examined and for want of defence assistant, the petitioner could not examine the sole prosecution witness. The petitioner has been now granted time to lead her defence and in these circumstances, the petitioner has approached this Court for issuance of

appropriate direction.

3. I find that the petitioner was served with charge sheet in the month of January 2017 and the enquiry began on 20.4.2017. If the petitioner was inclined to engage defence assistant, the petitioner had sufficient time. The Enquiry Officer however granted the petitioner further time of 7 days to engage defence assistant. The petitioner did not engage defence assistance. On 3.5.2017, the sole prosecution witnesses Vijay was examined. When the petitioner was granted opportunity to cross-examine, the petitioner said that cross-examination of the witness is not necessary. Thereafter, the petitioner has been given opportunity to lead evidence in defence.
4. In these circumstances and in the absence of there being any ground made out for violation of statutory rules or principles of natural justice, I am not inclined to interdict the departmental enquiry.
5. Learned counsel for the petitioner at this stage submits that the petitioner may be granted at least one opportunity to cross-examine the prosecution witnesses.
6. This Court find that when occasion arose to cross-examine the prosecution witnesses, the petitioner refused it by submitting that it is not necessary. Therefore, the writ Court would not come to aid of the petitioner. The petitioner is yet to lead her evidence. It is directed that the petitioner shall be allowed time as provided under the rules for leading her oral and documentary defence evidence. Except this no other protection can be granted to the petitioner.
7. With the aforesaid observation, the petition is disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge