

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1556 of 2017

1. Neeraj Kumar Mishra S/o Late Harimohan Mishra, Aged About 53 Years, R/o District Jail Line, Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department of Home, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh.
2. Inspector General Of Police, Jail And Rehabilitation Services, Jail Headquarter Chhattisgarh, Central Jail Raipur, Raipur, District Raipur (Chhattisgarh).
3. Shri Matlam, Jail Superintendent (Jailor), District Jail Rajnandgaon, District Rajnandgaon (Chhattisgarh)
4. District Magistrate Rajnandgaon, District Rajnandgaon, Chhattisgarh.

---- Respondents

For Petitioner	Shri R. K. Bhagat, Advocate
For Respondent-State	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

04/04/2017

1. By this petition, the petitioner seeks quashment of the charge sheet (Annexure-P-1).
2. Learned counsel appearing for the petitioner would submit that while the petitioner was posted as Head Constable in District Jail, Rajnandgaon on 17.05.2016, the higher authorities made a surprise inspection of the jail and found illegal articles inside the jail, which are banned/restricted. In the inspection report, the sole responsibility was fixed upon the petitioner and subsequently by the order dated 30.05.2016, the petitioner was

placed under suspension. Later on, by order dated 30.11.2016, the suspension order was revoked and in the meanwhile, the charge sheet was served upon the petitioner, to which the petitioner submitted his reply, but without appreciating the reply submitted by the petitioner, departmental enquiry was instituted against the petitioner. According to the petitioner, the impugned charge sheet was issued in an illegal and arbitrary manner and without following the due process.

3. On the other hand, Shri Shashank Thakur, learned counsel appearing for the State, would support the impugned action of the respondent authorities. Shri Thakur would further submit that, at this stage, this Court should not interfere in the disciplinary proceedings, which have been initiated against the petitioner.
4. The law is well settled that the charge sheet should not be quashed at an initial stage and it is always open to the petitioner to raise whatever pleas are available before the Disciplinary Authority. The petitioner has ample opportunity to raise his grievances and any opinion made at this stage may affect the proceedings, which have been initiated. (See: **Secretary, Ministry of Defence and Others v. Prabhash Chandra Mirdha¹**).
5. For the reasons stated hereinabove, the writ petition, being bereft of merit, is liable to be and is hereby dismissed at the motion stage itself.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA