

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 2652 of 2017

- M. Chandrashekhar S/o Late Shri M. Sadanand Rao, Aged About 55 Years R/o Qtr. No. 1234, Kalyan Bag, Rajkishore Nagar, Bilaspur, Police Station Sarkanda, Main Post Office Bilaspur, Civil And Revenue District Bilaspur (Chhattisgarh).

---- Petitioner

Versus

1. Chhattisgarh Rajya Gramin Bank A Joint Venture Of GOI, State Government And S B I, Through : Its Chairman, Chhattisgarh Rajya Gramin Bank, Head Office Mahadev Ghat Road, Sunder Nagar, Raipur, Police Station And Post Civil Lines, Raipur, Civil And Revenue District Raipur (Chhattisgarh).
2. General Manager (Administration), Chhattisgarh Rajya Gramin Bank- Cum- Disciplinary Authority, Head Office Mahadev Ghat Road, Sunder Nagar, Raipur, Police Station And Post Civil Lines, Raipur, Civil And Revenue District Raipur (Chhattisgarh).

---- Respondents

For Petitioner	Mr. M. Paranjpe, Advocate
For Respondents	Mr. N. Naha Roy, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy

Order On Board

23.06.2017

1. The challenge in the present Writ Petition is Exhibit P/1 which is a show cause notice issued by the Respondents.
2. Learned Counsel for the Petitioner submits that the present show cause notice is nothing but repetition of an earlier show cause notice which was issued and which was subjected to challenge before this Court in Writ Petition (S) No. 1436/2016. The said show cause notice was subsequently withdrawn on account of which the Writ Petition also got

dismissed having become infructuous. Now therefore the subsequent notice which has now been issued is not legally tenable and the same deserves to be set aside/quashed.

3. Having gone through the record and on perusal of the same what clearly reflects is the fact that the earlier show cause notice was withdrawn on technical ground. Merely because of withdrawal of the earlier notice would not preclude the Respondents from concluding the disciplinary proceeding which has been initiated against the present Petitioner. The disciplinary proceeding is at the stage of the enquiry being conducted and the enquiry report having been submitted, now the show cause notice has to be issued before taking any decision by the disciplinary authority. It is settled position of law that the scope of judicial review at the stage of show cause notice is very limited.
4. Another aspect which cannot be lost sight of is the fact that in case if no show cause notice is issued it would amount to dropping of the disciplinary proceeding or the disciplinary action be taken without issuance of Show Cause Notice. This under no stretch of imagination can be construed to be the effect of the withdrawal of the earlier Show Cause Notice.
5. In the instant case challenge is made primarily on the show cause notice being issued for the second time and challenge is not on any other ground or stage. In view of the above this Court is of the opinion that the present Petition at this stage is premature.
6. The Writ Petition is accordingly rejected.

**Sd/-
(P. Sam Koshy)
JUDGE**