

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1412 of 2017**

- Ashutosh Shinde S/o Shri R. P. Shinde, Aged About 42 Years Working As Assistant Grade- II (A G- II) At District Court Korba, R/o Quarter No. N G- 7, Revenue Colony Korba, District Korba (Chhattisgarh)

---- Petitioner**Versus**

1. High Court Of Chhattisgarh Through Its Registrar General, High Court Of Chhattisgarh, Bilaspur Bodri, District Bilaspur (Chhattisgarh)
2. District & Session Judge, Office Of District & Session Judge, District Korba (Chhattisgarh)

---- Respondents

For Petitioner: Mr. Vinod Deshmukh, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23.03.2017**

1. The present Writ Petition has been filed seeking for stay of the departmental proceeding initiated against the Petitioner and filing of charge sheet dated 21.09.2016 and not to take any decision till the conclusion of the criminal proceeding.
2. The charges against the present Petitioner is that of creating fake seal and signature of the Chief Judicial Magistrate and using the same in the judicial proceedings. The contention of the Counsel for the Petitioner is that for the said misconduct the Respondents have also lodged FIR against the petitioner and investigation in which is going on and that the disclosure of the evidence before the departmental inquiry may prove prejudicial in the criminal

case which has been initiated against the Petitioner. He further submits that once when the FIR has already been lodged and the matter is under investigation by the police authority it would be fair if the Respondents, do not proceed with the departmental inquiry pending the investigation by the police authorities.

3. A plain perusal of the record would show that in the FIR which has been lodged no charge sheet has been filed till date whereas in the departmental proceeding which has been initiated charge sheet has been filed and inquiry officer has also been appointed. The nature of investigation by the police authorities is entirely different when compared to the nature of enquiry conducted in the departmental inquiry. Further in the criminal case charge sheet also has not been filed. Therefore it would be too premature at this stage to stay the said departmental proceeding pending the inquiry itself. At this juncture it would not in any manner adversely affect the investigations/enquiry which are being conducted by two separate agencies.
4. The Petition thus being devoid of merits the same stands rejected.
5. It is made clear that the reluctance to entertain the present Writ Petition would not come in the way of the Petitioner in approaching the authorities by moving an appropriate representation for redressal of his grievance.

Sd/-

(P. Sam Koshy)
JUDGE