

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 1216 of 2013**

Caruna Minj D/o Shri Peter Minj, Aged About 33 Years, R/o Amlidih,
Raipur, PS Rajendra Nagar, Post Rajendra Nagar, Raipur, Dist
Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh through Principal Secretary, Commercial Tax Deptt., DKS Bhawan, Raipur, PS Civil Lines, Raipur, Head Post Office, Raipur, Dist Raipur, Chhattisgarh
2. Commissioner Commercial Tax , Civil Lines, Raipur, PS Civil Lines, Raipur, Head Post Office Raipur, Distt Raipur, Chhattisgarh
3. Additional Commissioner Commercial Tax, Civil Lines Raipur, PS Civil Lines, Head Post Office Raipur, Dist Raipur, Chhattisgarh
4. Assistant Commissioner Commercial Tax, Civil Lines, Raipur, PS Civil Lines Raipur, Head Post Office Raipur, Dist Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Rashul Bhawnani, Advocate
For Respondent/State	:	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****17/07/2018**

The challenge in the present writ petition is to the issuance of a charge sheet as also the decision of the respondents for proceeding against the petitioner in a departmental enquiry.

2. The challenge primarily was on the competency of the Officer who had issued charge sheet and ordered for departmental enquiry. According

to the counsel for the petitioner, the authority who has issued the charge sheet and initiated disciplinary proceeding against the petitioner was not the disciplinary authority and therefore, the entire action stands vitiated and the same deserves to be set aside/quashed.

3. This Court at this juncture, after 5 years of the petition being pending before this Court without any interim relief is not inclined to proceed further with the writ petition on two grounds; Firstly substantial development must have progressed in the department enquiry. Secondly, the ground of competency also is no longer res integra in the light of the recent decision of this Court dated 28.06.2018 passed in WPS No. 7779 of 2011 whereby this Court has held that there would be no illegality only if the charge sheet and the initiation of the departmental enquiry is by an Officer lower in rank than the disciplinary authority except for the rider that the punishment order if any can only be issued by the competent authority i.e. the disciplinary authority as envisaged under the service rules.

4. For both these grounds, this Court does not find any good case made out by the petitioner to interfere with the impugned orders. The writ petition accordingly stands dismissed.

Sd/-
(P. Sam Koshy)
JUDGE