

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1039 of 2012**

Rajendra Markande, aged about 31 years, S/o Shri Balaram Markande, Occupation – Service (Lineman Class II) Chhattisgarh State Power Distribution Limited, office of the Jr. Engineer, Dalli Rajahara, District Durg (now District Balod) CG

---- Petitioner

Versus

1. Chhattisgarh State Power Distribution Limited, through its Chairman, Danganiya, District Raipur, CG
2. The Secretary, Department of Power & Energy, State of Chhattisgarh, Dau Kalyan Singh Bhawan, Raipur
3. The Superintending Engineer, Chhattisgarh State Power Distribution Limited, City Circle Torwa, Old Power House, Bilaspur (CG)
4. Executive Engineer (City) Division No.2 Chhattisgarh State Power Distribution Limited, Bilaspur (CG)

---- Respondents

For Petitioner : Shri A. N. Bhakta, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****28.06.2018**

The challenge in the present writ petition is to the order of minor punishment of stoppage on one increment with non-cumulative effect against the petitioner.

2. Counsel for the petitioner submits that the copy of the enquiry which was conducted by the respondents was not furnished to the petitioner

before issuance of the impugned order.

3. This ground of the petitioner may not be sustainable for the simple reason that for issuance of a minor punishment, a detail departmental enquiry need not be conducted. If in the opinion of the disciplinary authority or in an preliminary investigation it has been found that the petitioner was prima facie responsible for the alleged misconduct, the disciplinary authority would be at liberty to impose a minor punishment without holding a detail departmental enquiry.

4. In the instant case, it appears that no detail departmental enquiry was conducted and only on the basis of a fact finding preliminary investigation, the impugned order of punishment has been passed.

5. The issue as to whether this Court under Article 226 of the Constitution of India can interfere with such a minor punishment is by now well settled in a catena of decisions wherein it has been categorically held that this Court would not substitute itself as an appellate authority or disciplinary authority conducting a threadbare roving enquiry in respect of the materials brought before the authority concerned before imposition of the impugned order.

6. Given the facts and circumstances of the case, this Court does not find any strong case made out by the petitioner for interfering with the impugned order of punishment. The writ petition thus being devoid of merit deserves to be and is accordingly dismissed.

**Sd/-
P. Sam Koshy
Judge**