

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 6910 OF 2006**

O.P. Verma, S/o Shri Mansaudh Verma, aged about 47 years, currently posted as Deputy Collector, Jashpur, District Jashpur (CG), R/o Mahadev Ghat Road, Shanti Vihar Colony, Dagania, Raipur (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, General Administration Department, DKS Bhawan, Raipur, District Raipur (CG)
2. The Under Secretary, General Administration Department, DKS Bhawan, Raipur, District Raipur (CG)
3. Collector, Jashpur, District Jashpur (CG)
4. C.L. Yadav, Deputy Collector, Jashpur, District Jashpur (CG)

... Respondents

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- Mr. Pragalbh Sharma, Advocate, under instructions of Mr. Maneesh Sharma, Advocate, for the Petitioner.
 - Mr. D.K. Wankhede, Govt. Advocate, for Respondent-State.
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Hon'ble Shri Justice P. Sam Koshy**Order on Board****23/10/2018**

1. Challenge in the present writ petition is to the order dated 10.11.2005, Annexure P-14.
2. Vide the impugned order, the petitioner has been inflicted with a minor punishment of censure.
3. The sole ground which the petitioner has raised in the present writ petition is that while passing the impugned order the respondents have taken note of certain facts which were not reflected in the show cause notice and for which an opportunity of explanation was not provided to the petitioner.
4. Counsel for the petitioner refers to paragraph 3 of the impugned order of punishment whereby it was observed by the Disciplinary Authority that on the one hand the petitioner was unauthorizedly absent and at the same time he was found to be involved in a Dharna and was present in the stage at Raipur, which reflected his conduct and had inflicted with the order of punishment.

5. Perusal of record would reveal the fact that the petitioner had participated in Dharna or was present in the stage was not the main cause for which the petitioner has been inflicted with the punishment. The main cause of misconduct for which he has been punished is the unauthorized absence from duty from 23.2.2005 to 26.4.2005. The record shows that the petitioner was promoted to the post of Deputy Collector on 14.2.2005 and his place of posting was fixed at Jashpur District. The petitioner was to assume his charge on the promoted post within 10 days. He assumed the charge only on 23.2.2005 and on the same day he proceeded on leave without getting sanction from the Collector.

6. The explanation provided by the petitioner is that when he gave his joining at Jashpur, he received a message that his mother was not well and therefore he had to proceed back to attend his ailing mother and he further extended his leave for two months time and in between the petitioner also got unwell. From perusal of record it appears that the Disciplinary Authority had taken into consideration the conduct of the petitioner of remaining unauthorizedly absent for a considerable period of time.

7. Given the aforesaid factual matrix of the case and which is not disputed so far as his unauthorized absence is concerned for a period between 23.2.2005 to 26.4.2005, if we look into the impugned order it appears that the authorities concerned have only imposed a minor punishment. Even if we ignore the observation of the disciplinary authority so far as his participation in Dharna is concerned, though Annexure R-1, dated 18.7.2005, which is the correspondence made by the Collector to the Secretary reflects the role of the petitioner and the presence of the petitioner at the place of Dharna, but yet for the act of unauthorized absence for a period of two months that too by an officer of the rank of Deputy Collector, the imposition of minor punishment of censure by itself cannot be said to be

either arbitrary or disproportionate to the nature of allegation levelled against the petitioner.

8. The law so far as the minor punishment is concerned, it is settled that the High Court would not substitute itself as an appellate authority conducting a roving enquiry into the allegation levelled. It is only the decision making process which has to be scrutinized and not the decision.

9. Given the said facts, this Court does not find any strong case made out by the petitioner calling for interference with the impugned order.

10. The writ petition thus being devoid of merits, the same is dismissed.

Sd/-
(P. Sam Koshy)
Judge