

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.2752 of 2018

Hemant Kumar Mahadware S/o Late Shri Salik Ram, Aged About 58 Years
R/o 1st Battalion, Chhattisgarh Armed Force (C.A.F.), S.A.F. Line, Bhilai,
Police Station Supela, Tahsil And District Durg Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through Its Secretary, Department Of Home (Police), Mahanadi Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur Chhattisgarh.
2. Additional Director General Of Police (A.D.G.P.), Chhattisgarh Armed Force (CAF), Police Headquarters (PHQ), Near Mahanadi Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur Chhattisgarh.
3. Inspector General Of Police (I.G.P.), Chhattisgarh Armed Force (CAF), (Bhilai Range), Police Headquarters (PHQ), Near Mahanadi Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur Chhattisgarh.
4. Commandant, 1st Battalion, Chhattisgarh Armed Force (CAF), Bhilai, Police Station Supela, Tahsil And District Durg Chhattisgarh.
5. Assistant Commandant, Enquiry Officer, 1st Battalion, Chhattisgarh Armed Force (CAF), Bhilai, Police Station Supela Tahsil And District Durg Chhattisgarh.
6. Platoon Commander, Presenting Officer, 1st Battalion, Chhattisgarh Armed Force (CAF), Bhilai, Police Station Supela, Tahsil And District Durg Chhattisgarh.

---- Respondents

For petitioner	:	Shri Abhishek Pandey, Advocate.
For State	:	Shri Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/04/2018

1. The petitioner is challenging the disciplinary proceedings initiated against the petitioner i.e. challenge to the charge sheet and appointment of inquiry officer and the presenting officer.

2. The contention of the petitioner is that, the enquiry is being proceeded in haste and the authorities concerned are predetermined to punish the petitioner. He further submits that it is a case where the enquiry is being conducted in an utter violation of principles of natural justice, inasmuch as, the inquiry officer himself is conducting entire enquiry and it is he who is cross examining all the witnesses when the cross examination part has to be done by the presenting officer.
3. A perusal of record, particularly the inquiry proceeding would reveal that there is no material which would reveal that it was the cross examination made by the inquiry officer. Merely because the inquiry officer during the course of cross examination put certain question to the delinquent employee itself would not mean that enquiry proceedings have been conducted by the enquiry officer. Moreover, perusal of document would show that the petitioner at no point of time during the course of evidence or cross examination has objected to any of the questions raised or have ever raised a contention that he has not been provided an opportunity of defence.
4. Further, what is also reflected is that, the enquiry is being conducted in presence of inquiry officer and there is a presenting officer who is presenting the case on behalf of the department. The order sheet and proceedings reveal signatures of enquiry officer, delinquent employee, presenting officer and the concerned witnesses. Cross examination of the witnesses also have been done by the presenting officer.
5. Thus, at this juncture, in the given circumstances, the scope of judicial review would not permit this court to interfere with the enquiry proceedings under Article 226 of the Constitution of India. This, court is

of the opinion that no strong case is brought forth by the petitioner with which it can be said to be in violation of the principles of natural justice.

6. The petition being devoid of merit deserves to be and is hereby dismissed.

Sd/-
(P.Sam Koshy)
Judge

inder