

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3718 of 2018**

Awaneesh Kumar Tiwari S/o Shri Dinesh Kumar Tiwari, Aged About 44 Years Working As Lecturer, (Urban Unit) At Govt. Girls Higher Secondary School, Baradwar, (Presently Govt. Boys Higher Secondary School, Baradwar,) District- Janjgir- Champa, Chhattisgarh, R/o Ward No. 08, Baradwar, District- Janjgir- Champa, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Urban Administration And Development Department Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. The Director, Urban Administration And Development Department, Indrawati Bhawan, Naya Raipur, Chhattisgarh.
3. The Collector, District Janjgir- Champa, Chhattisgarh.
4. The President In Council Nagar Panchayat, Baradwar, Through Its Chief Municipal Officer, Baradwar, District- Janjgir- Champa, Chhattisgarh.
5. The Chief Municipal Officer, Baradwar, District- Janjgir- Champa, Chhattisgarh.
6. Smt. Kiranratre Ward No.10, Naya Baradwar, District- Janjgir- Champa, Chhattisgarh.

----Respondents**AND****WPS No. 3734 of 2018**

Awaneesh Kumar Tiwari S/o Shri Dinesh Kumar Tiwari, Aged About 44 Years Working As Lecturer, (Urban Unit) At Govt. Girls Higher Secondary School, Baradwar, (Presently Govt. Boys Higher Secondary School, Baradwar,) District- Janjgir- Champa, Chhattisgarh, R/o Ward No. 08, Baradwar, District- Janjgir- Champa, Chhattisgarh.

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3. The Collector, District Janjgir- Champa, Chhattisgarh.
4. The President In Council Nagar Panchayat, Baradwar, Through Its Chief Municipal Officer, Baradwar, District- Janjgir- Champa, Chhattisgarh.

5. The Chief Municipal Officer, Baradwar, District- Janjgir- Champa, Chhattisgarh.
6. Smt. Kiranratre Ward No.10, Naya Baradwar, District- Janjgir- Champa, Chhattisgarh.

----Respondents

For Petitioner	:	Mr. R.K. Kesharwani, Advocate
For State	:	Mr. Adhiraj Surana, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/05/2018

1. These are two writ petitions wherein the challenges are the order dated 12.01.2018 the order of suspension and the order dated 20.02.2018 whereby the respondent No.5 has initiated disciplinary proceedings against the petitioner.
2. The contention of the counsel for the petitioner is that entire action on the part of the respondents is with malice and malafides, in as much as the petitioner is being victimized as a result of a larger conspiracy. The contention of the counsel for the petitioner is that initially on the complaint of the respondent No.6, the respondent No.1 had directed the respondents No.2 & 5 to conduct an inquiry, but no such inquiry was conducted by them. Finally the respondent No.5 has now placed the petitioner under suspension as also has ordered for initiation of departmental enquiry. This act on the part of the respondent No.5 according to the petitioner is one, which is with a malafide intention of pinning the petitioner against false allegations.
3. Without entering into the merits of the case, this Court taken into consideration gravity of the allegations, which have been leveled and the period of time already consumed from the date initial complaint was lodged, this Court does not intend to keep the petition pending

and this Court is also of the view that the writ Court in exercise of its power under Article 226 of the Constitution of India cannot be substituted as a Disciplinary authority or a forum to conduct a fact finding inquiry so far as the allegations are concerned. Ends of justice would meet if both the writ petition are disposed of with a direction that the respondent No.5 shall forthwith proceed with the departmental enquiry and after affording full opportunity of defense to the petitioner and also following the requirement of law, as is envisaged under Rule 14 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1996 conclude the departmental enquiry as expeditious as possible preferably within a period of 3 months from the date of receipt of the certified copy of this order.

4. It shall be the duty of the petitioner to appraise the order of this Court to the respondent No.5.
5. Accordingly, both the writ petitions stand disposed of.

Sd/-
(P. Sam Koshy)
Judge