

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WRIT PETITION (S) NO. 4458 OF 2018**

Pushpendra Kumar Sharma, S/o Late Ramkrishna Sharma, aged about 42 years, earlier posted as Tahsildar Ambikapur, District Surguja, presently posted as Deputy Collector, District Rajnandgaon (C.G.)

**... Petitioner**

**versus**

1. State of Chhattisgarh, through the Secretary, Revenue and Disaster Management, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)

2. Commissioner, Surguja Division (Ambikapur), District Surguja (C.G.)

**... Respondents**

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| For Petitioner       | : | Mr. C.J.K. Rao, Advocate.               |
| For Respondent-State | : | Mr. Syed Majid Ali, Dy. Govt. Advocate. |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**09/07/2018**

1. Challenge in the present writ petition is to Annexure P-1, dated 14.5.2018, which is a show cause notice issued by the Commissioner, Surguja Division (Ambikapur) to the Petitioner calling his explanation in respect of the alleged irregularity and misconduct.

2. The primary contention of the learned Counsel for the Petitioner is that the impugned notice is a premeditated notice and its wordings show that the authorities are convinced of the Petitioner having committed the misconduct of drawing ante-dated proceedings in some revenue matter. He further submitted that the Commissioner as such is not the competent authority to have issued a show cause, it should have been by the Collector. It was also contended that the entire show cause notice has been issued on the direction given by the Board of Revenue in one of the revision case decided on 24.3.2017 whereby the Board of Revenue had made an observation for the Collector to inquire in respect of the ante-dated proceedings drawn by the Tahsildar and to proceed further.

3. Considering the facts and circumstances of the case, this Court is of the opinion that all the submissions and contentions made by the Petitioner are based on apprehension. It is only a show cause notice which is under challenge in the present writ petition. The Petitioner has been called upon to give an explanation by which he could explain the entire facts and circumstances to the Respondents.

4. So far as the impugned notice being a premeditated one is concerned, this Court is not inclined to accept the said argument as it is only a prima facie observation made by the competent authority whereas the real intent of the show cause notice is to call for an explanation in respect of the alleged irregularity and misconduct.

5. Subject to the Petitioner giving a detailed reply, if not yet filed, to the show cause notice, this Court has no reason to believe why the authorities would not consider his reply to the show cause notice before proceeding further with the issue. In case, if the matter is factual in nature and the reply to the show cause notice is not satisfactory, it is expected that the authorities may draw appropriate proceeding in accordance with the rules governing the field.

6. The writ petition as such being premature, this Court is not inclined to entertain it and the same deserves to be and is accordingly dismissed.

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