

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3229 of 2014**

B.S. Netam S/o Late Shri R.S.Netam Aged About 64 Years R/o Gram Mangal Tarai, Post Singhoula, Police Station Daundi, Tahsil and District Balod, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Ministry Of Forests, Mahanadi Bhawan, Police Station Rakhi, Naya Raipur, District Raipur, Chhattisgarh
2. Principal Chief Conservator Of Forests, Department Of Forests, Chhattisgarh, Aranya Bhawan, Jail Road, Police Station Ganj Thana, Raipur, District : Raipur, Chhattisgarh
3. Additional P.C.C.F (Adm./Gaz.) O/o PCCF (Forests) Chhattisgarh, Aranya Bhawan, Jail Road, Police Station Ganj Thana, Raipur, District Raipur, Chhattisgarh
4. Divisional Forest Officer, Durg Division, District : Durg, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Kashif Shakeel, Advocate
For State	:	Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****30/04/2018**

1. The challenge in the present writ petition is to Annexure P/1 and P/2, which are the show cause notices issued in respect of certain adjustments of advance payments made to the petitioner while he was working as a S.D.O. (Forest) in the year 1996-97.
2. The grievance of the petitioner is that the show cause notice for the first time is being issued in the year 2010 i.e. after about 13-14 years from the date of alleged advance is being made. It is further contended that the petitioner during the relevant period was occupying the position only for a brief period and that the petitioner alone would not be held responsible for adjustment of the entire amount. He submits that if at all there is an inquiry conducted by the respondents the same is behind the back of the petitioner, he has not

been granted any opportunity of explanation or defence in the inquiry. He further submits that the petitioner has already given a detailed reply and the said reply also was without the details, as the details have not been furnished to the petitioner inspite of his repeated requests.

3. The State counsel submits that present writ petition in its present form is only at the show cause stage and this Court would not substitute itself as a disciplinary authority and since the petitioner has already given a detailed reply, let the authorities take a decision in respect of the notice issued to the petitioner.
4. Needless to go into the factual matrix of the case, this Court is of the opinion that since the challenge in the present writ petition is to the two show cause notices issued by the respondents and the petitioner has also furnished certain replies to the show cause notices to the authorities, the present writ petition is being disposed off with a direction to the respondents to ensure that whatever reply that the petitioner has furnished would be duly considered by the authorities and they shall objectively consider and decide the same, while taking a decision on the show cause notice. The decision of the respondents taken therein shall be opened to challenge to the petitioner and the disposal of the present writ petition or the previous writ petitions, if any, would not come in the way of the petitioner for challenging the subsequent decision.
5. The writ petition thus stands disposed off.

Sd/-
(P. Sam Koshy)
Judge