

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 2905 of 2016**

1. Bodhram Nag S/o Late Shri Sadhuran Nag, aged about 61 years, Occupation Ex T.I. at P/s and Tahsil Pussour, District Raigarh, at present posted as T.I. at P/s and Tahsil Dalli Rajhara, District Balod, Chhattisgarh R/o PS and Tahsil Bijlipara, Charaama, District Kanker, Chhattisgarh
2. M. S. Sidar, S/o Late Shri Baratram Sidar, aged about 61 years, Occupation Assistant Sub Inspector (A.S.I.) P.S. Pussour, District Police Force Raigarh, District Raigarh, Chhattisgarh, R/o Village Raitarai, P/s and Tahsil Pussour, District Raigarh Chhattisgarh

---- Petitioners**Versus**

1. State of Chhattisgarh through the Secretary, Home Department (Police), Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. The Director General of Police, Police Head Quarter Raipur, District Raipur, Chhattisgarh
3. The Inspector General of Police, Range Bilaspur, Tahsil and District Bilaspur, Chhattisgarh
4. The Superintendent of Police, Raigarh, Tahsil and District Raigarh, Chhattisgarh

---- Respondents**Writ Petition (S) No. 4212 of 2016**

1. B. S. Nishad S/o Late Shri Dhansingh Nishad, aged about 59 years Inspector, R/o Police Line, Police Station Civil Line, Bilaspur, District Bilaspur, Chhattisgarh
2. Chandrama Singh Rajpoot, S/o Late Shri Baliram Singh, aged about 60 years, Inspector, Station House Officer, Saragaon Police Station, District Janjgir Champa, Chhattisgarh

3. K. S. Rathiya S/o Late Shri Surjan Singh Rathiya, aged about 60 years, Inspector, Station House Officer, Baikunthpur Police Station, District Korla, Chhattisgarh
4. R. S. Mishra S/o Late Shri Chandrika Prasad Mishra, aged about 56 years, R/o Police Station Chakarbhatta, District Bilaspur, Chhattisgarh

---- Petitioners

Versus

1. State of Chhattisgarh through the Secretary, Department of Home Affairs, Vallabh Bhawan, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. The Director General of Police, Bilaspur, District Bilaspur, Chhattisgarh
3. The Inspector General of Police, Bilaspur, District Bilaspur, Chhattisgarh
4. The Superintendent of Police, Bilaspur, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioners	:	Shri Sunil Otvani, Advocate
For Respondent/State	:	Shri S. P. Kale, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy

Order On Board

20/07/2018

The issue involved in these two writ petitions is the issuance of charge sheets by the Inspector General of Police whereas under the Chhattisgarh Police Regulation, the charge sheet can only be issued by the Superintendent of Police so far as the rank on which the petitioners are working is concerned.

2. The issue raised in the present writ petitions has already been decided by this Court on 19.06.2018 in WPS No. 4209 of 2015 wherein this

Court has taken a view that it would be the Police Regulation which would be applicable so far as the service conditions of the petitioners are concerned and that the Chhattisgarh Civil Service (Classification, Control and Appeal) Rules would not be applicable. Under the Police Regulation, it is the Superintendent of Police who has been empowered to issue charge sheet in respect of the officers of the rank of the petitioners and not the Inspector General of Police as has been done in both the writ petitions.

3. Given the facts that this Court has already taken a decision in WPS No. 4209 decided on 19.06.2018 in the case of Lallan Singh and others Vs. State of Chhattisgarh and others, this Court is inclined to take the same view in the present two writ petitions as well.

4. Accordingly, both the writ petitions stand allowed in similar terms and the impugned charge sheets issued by the Inspector General of Police stand quashed reserving liberty of the respondents to proceed in accordance with law.

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