

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5555 of 2018**

Bisheshar Prasad Choudhary S/o Late Shri Ramdhani Choudhary
Aged About 46 Years Post - Head Constable, Posted At Police
Head Quarters M T Pool Raipur, R/o Quarter No. 62, 4th Battalion,
Mana Camp, Raipur Tehsil And District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Department Of Home, Mantralaya, Mahanadi Bhawan Naya Raipur District Raipur Chhattisgarh.
2. Inspector General Of Police, Police Head Quarters, Naya Raipur District Raipur Chhattisgarh.
3. Deputy Inspector General Of Police (Administration) Police Head Quarters Naya Raipur, District Raipur Chhattisgarh.
4. Superintendent Of Police, S T F, Baghera , District Durg - 4901001 Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Anmol Sharma, Advocate
For State	:	Mr. Syed Majid Ali, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****28/08/2018**

1. The challenge in the present writ petition is to the issuance of charge sheet Annexure P/1 dated 13.07.2018.
2. The basic challenge to the impugned charge sheet was on the ground that the petitioner for the same set of charges, has already been charge sheeted earlier vide charge sheet dated 16.06.2011 and in which the petitioner has also been punished vide order dated 24.09.2011, whereby the petitioner had been punished by reduction from the salary equivalent to one increment for a period of one year. Against the said order, the Revisional authority had taken a suo moto revision with an intention of enhancing the said punishment, but the Revisional authority finally vide order dated 23.05.2013

rejected the revision upholding the order passed by the Disciplinary authority. Meanwhile the petitioner had also been subjected to a criminal case on an F.I.R. lodged for the same act and in the criminal case the petitioner already stands acquitted vide judgment dated 22.05.2017.

3. Considering the fact that the petitioner has already been punished for the same charge by the department and in the criminal case for the same offence he stands acquitted, prima facie, this Court is of the opinion that the charge sheet now which has been issued is in respect of the same offence/misconduct, thus the petitioner has prima facie made out a strong case for grant of interim relief.
4. The petitioner meanwhile has made a detailed representation against the charge sheet vide his representation dated 23.07.2018 (Annexure P/12) which is still pending consideration.
5. In view of the same, this Court is of the opinion that no fruitful purpose would be served in keeping the petition pending and that the ends of justice would meet if the respondent No.3 is directed to decide the representation of the petitioner in accordance to its own merits at the earliest and meanwhile the respondent authorities shall not proceed with the charge sheet till the representation of the petitioner (Annexure P/12) is finally decided.
6. The writ petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge