NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5998 of 2018

Umesh Tiwari S/o Ramfal Tiwari, aged about 32 years, R/o village Seoni, District Janjgir-Champa (C.G.).

---Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Cooperative Societies, Mahanadi, Mantralaya, Naya Raipur, Post Office And Police Station Naya Raipur, District - Raipur, Chhattisgarh.
2. Registrar, Co-Operative Societies, Chhattisgarh, Naya Raipur, Post Office And Police Station Naya Raipur, District - Raipur, Chhattisgarh.
3. District Cooperative Central Bank Limited, Bilaspur, Through Its Chief Executive Officer, District Cooperative Central Bank Limited, Nehru Chowk, Bilaspur, District - Bilaspur, Chhattisgarh.

---Respondents

For petitioner	:	Shri Kapil Maini, Advocate.
For respondent No.3	:	Shri Jitendra Shrivastava, Advocate.
For State	:	Shri S.P.Kale, Dy.A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/09/2018

1. The grievance of the petitioner is that though the respondent No.3 has initiated a disciplinary proceeding against the petitioner so far as his original order of appointment is concerned, which according to the respondent No.3 was obtained by playing fraud.

2. The only prayer of the petitioner is that while replying to the show cause notice, the petitioner had sought for certain documents, which till date has been denied by the respondent No.3.

3. According to the petitioner, a notice dated 02.08.2018 has been issued calling for a personal hearing before providing those documents, particularly when they would be using these very documents against the petitioner.

4. This Court is not inclined to substitute itself as a Disciplinary authority or for that matter as an inquiry officer. However it is observed that once when the respondents have initiated disciplinary action against the petitioner, it is expected that they shall follow the principles of fair play and reasonableness i.e. reasonable opportunity of defense would be given to the petitioner to defend his case.

5. In case if the respondents are relying upon certain documents which they have collected against the petitioner and are being relied upon, in the disciplinary proceedings, the said documents are supposed to be provided to the petitioner.

6. The petitioner is also required to participate and cooperate in the disciplinary proceedings at the same time the respondents also would ensure that necessary and relevant documents, which are being relied upon by the respondents against the petitioner is made available to the petitioner during the enquiry.

7. With the aforesaid observation, the writ petition stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit