

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.S. NO. 6036 OF 2018**

Smt. Sarita Bai, W/o Shri Narayan Singh, aged about 39 years, occupation- Officer Assistant Grade-I, posted at CG Rajya Gramin Bank, Branch- Tapkara, District Jashpur (CG)

... Petitioner**versus**

1. Chhattisgarh Rajya Gramin Bank, through its Chairman, Head Office: Mahadeo Ghat Road, Sunder Nagar, Raipur (CG)
2. Chhattisgarh Rajya Gramin Bank, through its General Manager, Head Office: Mahadeo Ghat Road, Sunder Nagar, Raipur (CG)

... Respondents

For Petitioner : Mr. K.N. Nande, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13/09/2018**

1. Challenge in the present writ petition is to the order dated 3.8.2018, Annexure P-1. The impugned order is the second show cause notice issued by the respondent-bank on the disciplinary action initiated against the petitioner.
2. The petitioner was served with a charge-sheet on 13.12.2016 and thereafter a departmental enquiry was conducted and after the enquiry report has been submitted by the enquiry officer, the present show cause notice has been issued before the final order is passed by the disciplinary authority.
3. It is a settled position of law that the High Court in its extraordinary powers under Article 226 of the Constitution of India would not substitute itself as an disciplinary authority and would not threadbare go into the proceeding of the enquiry or would not conduct a roving enquiry to ascertain whether the charges have been established or not or whether the delinquent employee has been granted an opportunity of hearing or not. The second show cause notice is issued just before the disciplinary authority takes a final decision on the enquiry proceeding. All the contentions that have been raised by the petitioner are facts and grounds which the petitioner is

supposed to raise in the reply to the show cause notice. On a detailed reply being given by the petitioner/delinquent employee, the disciplinary authority before passing a final order is incumbent to consider the contentions raised in his representation and thereafter pass a suitable order. This Court in exercise of its powers of judicial review would not substitute as a disciplinary authority at this stage to consider all these contentions which the petitioner has raised.

4. Reserving the right of the petitioner to file a detailed reply to the show cause notice or filing a representation for ventilating his grievances by approaching the higher authorities in the department by way of a representation, the present writ petition in its present form is not sustainable. and the same deserves to be disposed of.

5. The writ petition accordingly stands disposed of.

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