

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 770 of 2018**

*{Arising out of order dated 31.07.2018 passed by learned Single Judge in Writ
Petition (S) No. 4613 of 2018}*

- Smt. Meenu Rathore, Wife of Shri Neeraj Singh Rathore, aged about 35 years, Resident of Street No.4A, House No.31, Vidhyut Nagar, Durg.

---- Appellant

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue, Mantralaya, Mahanadi Bhawan, Naya Raipur.
2. Chhattisgarh Lok Ayog, Raipur through its Secretary, Chhattisgarh Lok Ayog, Raipur.
3. The Sub Divisional Officer (Revenue), Durg.

---- Respondents

For Appellant	:	Shri B.P. Sharma and Ms. Trishna Das, Advocates.
For Respondents/State	:	Shri Prasun Bhaduri, Government Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu****Judgment on Board****Per Ajay Kumar Tripathi, Chief Justice****14.11.2018**

1. Heard counsel for the Appellant and learned Government Advocate for the State.
2. I.A. No.1 of 2018 is an application for condonation of delay of 9 days. For the reasons indicated in the said I.A., delay is condoned.
3. Heard the matter on the merits. The learned Single Judge seems to be correct in taking a view that the stage for interference with the issuance of charge-sheet would be premature and unwarranted at this stage under Article 226 of the Constitution of India.

4. However, the anxiety expressed by the learned counsel with regard to the observation or so-called direction issued by the Lokayukt to punish may be treated as an obiter for the reasons that it will be the evidence and finding which will emerge during the course of enquiry which shall form the basis for either exonerating the Appellant or punishing her. The direction in the given facts and circumstances under which the need for initiation of a departmental proceedings will be read as such only and not as a mandate to punish without an enquiry.
5. A decision of the learned Single Judge passed in the case of **S.P.R. Sharma Vs. State of Chhattisgarh & Others** reported in **AIR 2016 Chh 93** has been placed to show that the Lokayukt has no power as such to conduct any kind of enquiry. With due respect to the observation made by the learned Single Judge in terms of the scheme and the Act creating the institution of Lokayukt, if evidence and materials showing some malpractice on behalf of a Government servant comes to his notice and knowledge, he has every power to make recommendation to the State to look into the issue and then form a conclusion. To that extent Court will not bar the Lokayukt from examining an issue brought before him under the Act.
6. Writ appeal has no merit, it is dismissed.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge