

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 7372 of 2018**

Smt. Rashmi Devi (Legal Representative) W/o Late Shri Vinod Singh,
Aged About 42 Years, R/o Behind Post Office, C.A.F. Line, 1st
Battalion, Bhilai, P.S. Supela, Tehsil And District Durg, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of
Home/police Secretariat, Mahanadi Bhawan, P.S. And Post Rakhi,
Atal Nagar, Raipur District Raipur, Chhattisgarh
2. Additional Director General Of Police (A-DGP) Chhattisgarh Armed
Force (C.A.F.), Police Headquarter (P.H.Q.), Near Mahanadi
Bhawan, P.S. And Post - Rakhi, Atal Nagar, Raipur District Raipur,
Chhattisgarh
3. Deputy Inspector General Of Police (D.I.G.P.), S.T.F./ Chhattisgarh
Armed Force (C.A.F.) Baghera, Durg, District Durg, Chhattisgarh
4. Commandant, 1st Battalion, Chhattisgarh Armed Force (C.A.F.),
Bhilai, Police Station Supela, District Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Abhishek Pandey, Advocate
For Respondent/State	:	Shri S. P. Kale, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****12/11/2018**

The challenge in the present writ petition is to the order dated
31.03.2016 whereby the services of the petitioner were terminated and the

subsequent orders passed by the two appellate authorities on 27.02.2018 and 04.09.2018.

2. The foremost ground which the petitioner has raised in the present writ petition is that the order passed by the second appellate authority was a non speaking order so also the first appellate authority has not taken into consideration the grounds which the petitioner has raised in the appeal.

3. However, this Court on perusal of the records particularly the three orders under challenge finds that the petitioner in fact is the wife of the deceased employee late Vinod Singh. The deceased employee was working as a Constable under the respondents. He was issued with a chargesheet for a major misconduct to which he had also given reply. The reply being unsatisfactory, a departmental enquiry was ordered to be initiated by appointing an Enquiry Officer.

4. A plain reading of the Disciplinary Authority's order would reveal that the husband of the petitioner i.e. the deceased delinquent employee was granted sufficient opportunity to defend his case at the time of issuance of chargesheet and later on before the Enquiry Officer also in the enquiry proceeding. Subsequently, the Disciplinary Authority also after submission of the enquiry report granted sufficient opportunity to the deceased employee to prove his innocence or to disprove the allegations leveled against him. The deceased employee in spite of having been given all these opportunities did not avail the same and did not lead any evidence in rebuttal to the stand of the Department.

5. Given the said facts, this Court is of the opinion that there does not appear to be any procedural lapse on the part of the Disciplinary Authority at the first instance while passing the order of termination dated 31.03.2016.

Further from the record it appears that subsequent to the dismissal order dated 31.03.2016 the deceased employee died on 13.08.2016 and in between also, he had not availed any appeal against the dismissal order.

6. Given the aforesaid factual matrix particularly the contention which is revealed from the order of termination it appears that the husband of the petitioner was granted sufficient opportunity of defence and that there cannot be allegation of any violation of the principles of natural justice while conducting the departmental enquiry. Under the circumstances, this Court is of the opinion that no fruitful purpose would be served in entertaining the present writ petition or for reconsidering the order of termination dated 31.03.2016 passed by the Disciplinary Authority as the husband of the petitioner himself has subsequently died and that it would not be practical to remit the matter back for fresh enquiry.

7. Given the said facts, the present writ petition fails and the same is accordingly dismissed.

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