

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 7357 of 2018**

Mahendra Nagwanshi S/o Late J. R. Nagwanshi, Aged About 52 Years, R/o 16th Battalion (I/R) Chhattisgarh Armed Forces, Narainpur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Home, Mahanadi Bhawan, New Mantralaya, Naya Raipur, Chhattisgarh
2. Additional Director General Of Police (CGAF) Police Headquarters, Naya Raipur, Chhattisgarh
3. Commandant 16th Battalion (I/R) Chhattisgarh Armed Force, Narainpur, Chhattisgarh
4. Deputy Commandant And Inquiry Officer 16th Battalion, Chhattisgarh Armed Force, Narainpur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Varun Sharma, 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 chargesheet dated 07.10.2017 and the departmental enquiry initiated subsequently.

2. The solitary contention of the petitioner is that he has made repeated request to the respondents for providing necessary documents in respect of his defence which has not been provided to him.

3. On perusal of the record would show that the chargesheet under challenge was issued more than one year ago. The Departmental Enquiry was also initiated long back.

4. Given the said fact, this Court is not inclined to entertain the writ petition exercising its extraordinary powers under Article 226 of the Constitution of India more particularly in a disciplinary matter. However, this does not mean that the respondents would not follow the principles of natural justice while conducting the departmental enquiry.

5. It is expected that the respondents while conducting departmental enquiry will grant sufficient opportunity of defence to the petitioner and also ensure that the principle of natural justice is complied with before passing a final order in the disciplinary proceeding initiated against the petitioner.

6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE