

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 769 of 2018**

Smt. Sheela Dhritlahre W/o Shri Deendayal Dhritlahre, Aged About 47 Years
Supervisor, Komakhan, R/o Komakhan, Tahsil Kasdol, District Balodabazar
Bhatapara Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Woman And Child Development, Mahanadi Bhawan, New Mantralaya, Naya Raipur, Chhattisgarh.
2. Commissioner, Women And Child Development, Directorate, Indrawati Bhawan, Naya Raipur, Chhattisgarh.
3. Collector, Balodabazar Bhatapara Collectorate, Chhattisgarh.
4. District Program Officer Women And Child Development Department, District Baloda Bazar Bhatapara, Chhattisgarh.
5. Vijay Prabhat Saral Project Officer, Integrated Child Development Scheme, Palari, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondents

For Appellant : Shri Varun Sharma, Advocate.

For Respondent/State : Shri Prasun Bhaduri, Government Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**14/11/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the Appellant.
2. The order under challenge is dated 10.10.2018. The learned Single Judge refused to interfere with the issuance of charge-sheet against the Appellant on the ground that the Commissioner is the appointing authority and the District Programme Officer, Women and Child Development Department does not have the power to issue charge-sheet for holding the departmental enquiry. The Court has taken note of the observation of the Hon'ble Supreme Court to lay down that the person lower in rank to the appointing authority can also initiate the departmental enquiry.

3. Argument of the counsel for the Appellant is that at least approval of the appointing authority must be taken.
4. This issue can be very well raised during the departmental enquiry and will be considered by the disciplinary authority, if action for imposing punishment arises at all.
5. Appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE

Anu