

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 7943 of 2018**

Ramesh Sanger S/o Shesh Nath Singh Aged About 40 Years Posted As Assistant Sub Inspector (M), At First Battalion, Caf Bhilai Hall, Office Of Superintendent Of Police Radio Zone, Bhilai, District - Durg, Chhattigarh., District : Durg, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Home Department Mantralaya, Mahanadi Bhawan, New Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Director General Of Police Police Head Quarter Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Additional General Of Police (Caf) Chhattisgarh Armed Force, Police Head Quarter Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Deputy Inspector General Of Police Stf, Baghera Durg, District - Durg, Chhattisgarh., District : Durg, Chhattisgarh
5. Commandant First Battalion, Chhattisgarh Armed Force, Bhilai, District - Durg, Chhattisgarh., District : Durg, Chhattisgarh

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For petitioner	:	Shri Praveen Dhurandhar, Advocate.
For State	:	Shri Majid Ali, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/12/2018

1. The challenge in the present writ petition is to the order dated 27/02/2018 (Annexure P-1) passed by the respondent No. 4, Deputy Inspector General of Police, STF, Durg. The fact of the case is that the petitioner has been working as Assistant Sub Inspector(M) under the respondents and he is presently posted at Bhilai. It is alleged that the petitioner is said to have in connivance with the other employees made certain forged signature, on the loan form and the second charge is that on the assurance of getting the signature of the higher authorities in the loan form, the petitioner for this purpose has collected cash money from his colleagues.
2. The counsel for the petitioner submits that the impugned order(Annexure P-1) is bad in law for the reason that it is in violation of the Rule 270 of the

Chhattisgarh Police Regulation which requires an opportunity of hearing before passing an order under Rule 270. Further contention of the petitioner is that the respondent authorities before conducting a joint enquiry should have passed an order under Rule 18 as required under Rule 18 of the Chhattisgarh Civil Services, Classification, Control and Appeal Rules, 1966. Further contention of the petitioner is that even otherwise the charge sheet which has been issued against the petitioner is bad in law for the reason, that the charge sheet reflects to be accompanied with a bunch of documents but none of these documents were provided to the petitioner except for the list of Annexures. He further submits that petitioner has also raised an objection before the authorities concerned in this regard but till date it has not been decided. The authorities may be directed to decide the same also.

3. Prima facie, this Court is of the opinion that the provision of Rule 270 would not be applicable, so far as the petitioner is concerned for the reason that in the past he never has been charge sheeted nor has he undergone disciplinary proceeding earlier, neither was the petitioner inflicted with any punishment before issuance of the impugned order(Annexure P-1).

4. In the absence of any charge sheet or punishment order initiated earlier, the provisions of the Rule 270 would not be attracted and therefore, the contention of the petitioner is that he ought to have been given hearing does not have much force and the same is accordingly rejected.

5. So far as the other ground raised by the petitioner is that if order under Rule 18 has not been passed before initiating joint enquiry, this Court is of the opinion that from the perusal of Annexure (P-5), it reflects that it is only Annexure(P-5) charge sheet which has been issued jointly but no further proceeding have been drawn. The authorities concerned can still pass an order under Rule 18 and therefore, the said ground raised by the petitioner, at this juncture, would be premature. Before initiating any further, the authorities could have taken a decision considering the reply of the respondents whether to hold a joint enquiry or not. For this reason also the ground raised by the petitioner is not sustainable.

6. So far as the third ground, of the petitioner not being served with the documents enclosed with the charge sheet is concerned. According to the petitioner once when a charge sheet is issued supported with list of Annexures, the respondents are incumbent upon to provide the delinquent those documents so as to enable him to file a detailed reply. It cannot be disputed that documents which are in the charge sheet, the petitioner has a right to get the details given in

these documents so as to give an effective reply. The said ground of the petitioner has strength and sufficient force to the aforesaid extent and it is therefore directed that before proceeding further, the respondent should immediately provide the petitioner a copy of all those documents which has been reflected in the list of Annexures along with the charge sheet or at provide inspection of the same if it cannot be provided and thereafter and provide sufficient time to the petitioner to file reply and only thereafter proceed further with the enquiry in accordance with the rules and regulations governing the field.

7. With the aforesaid observation, the writ petition stands partly allowed and disposed off.

Sd/-
(P. Sam Koshy)
JUDGE

Rohit