

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 471 of 2019

Smt. Anita Agrawal W/o Shri P.K. Agrawal, Aged About 51 Years, Occupation District Program Officer, Posted At Woman And Child Development Office, Collectorate, Raigarh R/o Dhimarpur Chowk, Near Hanuman Mandir, Raigarh, Police Station City Kotwali, District Raigarh, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Woman And Child Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Chhattisgarh.
2. The Collector, District Raigarh, Chhattisgarh.
3. Tikendra Jatwar, Presently Posted At Woman And Child Development Department, Collectorate, Raigarh, District Raigarh.

---Respondents

For petitioner	:	Shri Roop Naik, Advocate.
For State	:	Ms. Sunita Jain, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/01/2019

1. The challenge in the present Writ Petition is to the order Annexure-P/1 dated 01/08/2018. The said order has been passed pursuant to the direction given by this Court on 27/03/2018 in WPS No. 2626/2018.
2. The challenge in these two Writ Petitions was the placement of the petitioner under suspension by an order dated 29/05/2017.
3. The first ground of the petitioner in challenging the two orders is that, the order of suspension, beyond the period of 90 days automatically stands

revoked as the respondents have not issued the chargesheet to the petitioner within the said period.

4. This contention of the petitioner has already been taken note of by this Court while deciding the earlier Writ Petition on 27/03/2018 wherein this Court had categorically held that, from the record it appears that the petitioner has been placed under suspension after he was subjected to the departmental enquiry and where he was already chargesheeted and Enquiry Officer was also appointed.

5. So far as the argument of the petitioner that the department should have issued a fresh chargesheet again after placing him under suspension is not acceptable at all as that argument would be relevant only in the event if the suspension had been contemplating the departmental enquiry.

6. In the instant case, the petitioner was placed under suspension after initiation of the departmental enquiry.

7. The said ground accordingly stands rejected.

8. So far as the other ground raised by the counsel for the petitioner that, for the similar misconduct arising in a different district, the petitioner has already been subjected to departmental enquiry and the department is mixing the facts of the two enquiries and prosecuting him for the same in the present departmental enquiry also.

9. This Court is reluctant to entertain the Writ Petition on this ground for the reason that, the petitioner can very well bring this fact to the notice of the Enquiry Officer as also the disciplinary authority who in turn shall take care

of all these facts in the course of pending departmental enquiry against the petitioner.

10. The grounds which the petitioner intends to raise so far as questioning the departmental enquiry and the procedure adopted by the Enquiry Officer is concerned, the same would be open to the petitioner to assail in the event if the disciplinary authority passes an order against the petitioner.

11. This Court at this juncture in exercise of its power under Article 226 of the Constitution of India would not substituted itself as another administrative office of the department in scrutinizing the records threadbare and ascertain whether there is any merits on the ground raised by the petitioner.

12. For the aforesaid reasons, this Court does not find any good ground for entertaining the Writ Petition.

13. The Writ Petition thus fails and is accordingly rejected.

14. Needless to mention that, since the petitioner has been placed under suspension since May-2017, it is expected that the respondents shall proceed and conclude the departmental enquiry as expeditiously as possible preferably within a period of 6 months from today.

Sd/-

(P. Sam Koshy)
JUDGE