

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2335 of 2008**

- Anil Basant Rao Dhote, S/o Shri Basant Rao, aged about 51 years, Mata Rukmani Kanya Ashram, Dhanora, Narayanpur, District Bastar (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through its Secretary, Scheduled Caste & Scheduled Tribes and Backward Classes Welfare Department, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector Tribal Department, District Bastar, Jagdalpur (C.G.)
3. Mata Rukhmani Seva Sansthan, Through: Its Secretary, Mata Rukhmani Seva Sansthan Dimarapal, District Bastar (C.G.)

---- Respondents

For Petitioner	:	Shri Vikas Shrivastava, Advocate.
For Respondent Nos.1 & 2:	:	Shri Siddharth Dubey, Deputy Government Advocate.
For Respondent No.3	:	Shri Keshav Dewangan, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Order on Board****01.02.2019**

1. Heard learned counsel for the Petitioner, learned Deputy Government Advocate for the State and learned counsel for the Respondent No.3.
2. In the writ application a challenge has been thrown to the charge-sheet dated 19.09.2007 issued against the Petitioner on the ground that at the time of his initial appointment on 01.08.1989, he was said to be overage.
3. It seems that such charge-sheets had been issued against many such employees and they too had filed writ applications which came to clubbed and heard together. The lead case being WPS No.7557 of 2007 and other analogous cases which was decided on 08.01.2018.

4. It is accepted between the counsels that the issue raised in the present writ application is identical to the facts which came to be decided by the learned Single Judge in WPS No.7557 of 2007.
5. The writ application stands disposed off for the same sets of reasons that had been assigned by the learned Single Judge. The operative portion of the said order is also reproduced herein below for ready reference:

“Following the principles of law laid-down by the Supreme Court in the aforesaid judgments (supra), if the facts of the present case are examined, it is quite vivid that the petitioners' submission that the alleged act does not constitute misconduct on their part and no charges are made out cannot be decided by this Court at this stage. I do not find any ground to quash the impugned charge-sheet issued by respondent No.3. However, the petitioners are at liberty to raise all the grounds by filing reply before the competent authority/disciplinary authority and that will be considered by the authority concerned strictly in accordance with law. The competent authority/disciplinary authority shall conclude the departmental enquiry expeditiously looking to the fact that it is pending since 19.09.2007.”

6. Writ application is disposed off.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice