

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 1231 of 2019

K. L. Prasad S/o Shri Rameshwar Prasad, Aged About 58 Years, S. D. O. Hasdeo Right Bank Canal, Water Management, Sub Division No. 1, Pantora, District Korba, Chhattisgarh.

---Petitioner

**Versus**

1. State Of Chhattisgarh, Through The Secretary, Water Resources Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur, Chhattisgarh.
2. The Engineer In Chief, Water Resources Department, Raipur, Chhattisgarh.
3. The Superintending Engineer, Hasdeo Project Circle, Water Resources Department, Rampur, District Korba, Chhattisgarh.
4. Shri Rajesh Kumar Dhawankar, Executive Engineer Hasdeo Barrage Water Management, Division Rampur, District Korba, Chhattisgarh.
5. The Station House Officer, P. S. Rampur (Outpost), District Korba, Chhattisgarh.

---Respondents

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| For petitioner | : | Shri Prafull N. Bharat, Advocate. |
| For State      | : | Shri Saleem Kazi, Dy.A.G.         |

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Hon'ble Shri Justice P. Sam Koshy

Order on Board

21/02/2019

1. The challenge in the present Writ Petition is to the show cause notice dated 12/02/2019 – Annexure-P/13.
2. The contents of the show cause notice is that, the petitioner was issued with a notice of explanation on 03/11/2018 in respect of certain altercation and fight between the petitioner as well as the Executive Engineer namely Rajesh Kumar Dhawankar on the same day i.e. on 03/11/2018.

3. It is said that the petitioner has not submitted his reply to the said notice and since the petitioner has avoided giving reply to the explanation sought for, the respondents have decided to initiate the disciplinary proceedings against the petitioner for which the impugned show cause notice dated 12/02/2019 have been issued.

4. The counsel for the petitioner referring to Annexure-P/11 drew the attention of this Court to the dates on which he has filed the reply to the explanation before the Competent Authority. The report shows that, it was submitted before the office of Superintending Engineer on 04/12/2018 and it was also produced before the office of the respondent No.1 on 05/12/2018.

5. This submission of the reply by the petitioner is not reflected in the present impugned notice.

6. It appears that these facts are either not produced before the respondent No.1 or the respondent No.1 while issuing show cause notice has deliberately ignored these facts.

7. At this juncture it would be relevant to take note of the submission of the petitioner who has stated before this Court that on assuming the duties of Sub Divisional Officer at the present place of posting, the petitioner found certain irregularities in the department and certain measurement books and other financial irregularities were detected, therefore the petitioner had lodged an F.I.R. at Police outpost, Rampur under Police Station Korba highlighting these irregularities and financial embezzlement, but no further steps have been taken either by the Higher Authorities in the department on

the contents of the F.I.R. nor any further development has transpired from the police side also.

8. Taking into consideration the entire facts and circumstances of the case and also taking note of the documents which are enclosed in the present Writ Petition this Court is not inclined to keep the Writ Petition pending, rather ends of justice would meet if the Writ Petition is disposed off with a direction to the respondent No.1 to reconsider the issuance of show cause notice dated 12/02/2019 particularly taking into consideration the reply that the petitioner has submitted on 04/12/2018 and 05/12/2018 before the respective officers and if required proceed further or pass an appropriate suitable order dealing with the case.

9. It is expected that since this Court has already remitted the matter back to the respondent No.1 for reconsideration, it is expected that prompt decision would be taken before any further order is passed so far as the petitioner is concerned.

10. The Writ Petition accordingly stands disposed off.

Sd/-

**(P. Sam Koshy)**  
**JUDGE**

Sumit