

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.1570 OF 2019**

Dr. R.N. Netam S/o Late Shri Chatru Singh Netam Aged About 62 Years
Deputy Director, Central Laboratory (Malaria) Old DHS, DKS Campus,
Raipur, District- Raipur, Chhattisgarh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through Secretary, Health And Family Welfare Department, Atal Nagar, Raipur, District- Raipur, Chhattisgarh.
2. Commissioner Health And Family Welfare Department, Directorate, Health Service, Atal Nagar, Raipur, District- Raipur, Chhattisgarh.
3. Director Health Services Directorate, Health Service, Atal Nagar, Raipur, District- Raipur, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Manoj Paranjpe, Advocate.
For Respondent-State	:	Ms. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07.03.2019

1. Challenge in this petition is to the charge sheet dated 19.12.2018 (Annexure P/1). The challenge to the charge sheet is only on the ground that the petitioner in exercise of its power conferred upon him under the relevant service rules governing the field had carried out certain recruitment during the period between 2012-13 i.e. before coming into force of the new Rules, 2013 i.e. Chhattisgarh Public Health and Family Welfare (Directorate of Health Services) Non Clerical, Paramedical and Nursing, Class III Service Recruitment Rules, 2013.
2. According to the petitioner, the charges levelled against the petitioner is totally baseless inasmuch as indisputably the petitioner had the powers and authority under the rules for initiating recruitment and issuance of appointment orders during the relevant period. The petitioner further submits that the charge sheet was issued on 19.12.2018 and the petitioner had filed a reply promptly on 24.12.2018 and in the reply, the petitioner had taken all these grounds emphatically and quoted relevant

rule provisions also but the authorities concerned have not considered the same and have decided to proceed further and holding departmental enquiry against the petitioner and have in a mechanical manner appointed an inquiry officer on 04.02.2019.

3. The petitioner, at this juncture submits that let the respondent No.1 reconsider the reply that the petitioner had submitted to the charge sheet and reassess the contentions raised therein and reach to a conclusion whether the petitioner infact was competent for carrying out appointment/recruitment process in the capacity of the Divisional Joint Director, Bastar Division during the period between 2012-13 and thereafter the respondent No.1 may take a decision whether the enquiry has to be further proceeded or not.
4. This request of the petitioner seems to a fair and reasonable one, particularly in the light of the different Rule provisions that the petitioner has quoted in his reply to the charge sheet.
5. Given the said facts, the matter is ordered to be placed before the respondent No.1 who in turn shall re-consider the reply that the petitioner has given to the charge sheet and reach to a conclusion afresh whether in the light of the reply of the petitioner, any misconduct, as alleged, is made out or not and whether the petitioner did have the competence during the said period or not for recruitment/appointment so made.
6. Let a decision be taken by the respondent No.1 in this regard before the enquiry officer proceeds further with the enquiry process.
7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge