

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 2656 of 2019****Reserved on 25/04/2019****Delivered on 15/05/2019**

K.N. Fulzele S/o Late Shri S.L. Fulzele Aged About 61 Years Deputy Director Industries Udyog Bhawan Ring Road No. 1, Telibandha Raipur Tahsil and District Raipur Chhattisgarh

**---- Petitioner****Versus**

Under Secretary (Shri P.D. Dohre) Commerce And Industries Department, Govt. Of Chhattisgarh, Mahanadi Bhawan Naya Raipur, Tahsil and District Raipur Chhattisgarh

**----Respondents**

|                |   |                             |
|----------------|---|-----------------------------|
| For Petitioner | : | Mr. V.G. Tamaskar, Advocate |
| For State      | : | Mr. Jitendra Pali, Dy. A.G. |

**Hon'ble Shri Justice P. Sam Koshy****C.A.V. ORDER**

1. The challenge in the present writ petition is to the inquiry report submitted on 14.06.2018.
2. At the outset, this Court is of the opinion that since the petitioner herein has already challenged the order of suspension dated 26.02.2014 and the charge-sheet dated 28.02.2014 through the WPS No. 5384/2014 and which stands dismissed by this Court vide order dated 15.05.2019.
3. The subsequent proceedings of the inquiry and the submission of the inquiry report also does not warrant interference for the same reasons for which the WPS No. 5384/2014 filed by the petitioner himself stands decided. The present writ petition therefore stands dismissed for the same reasons and the legal positions that it stands. Moreover, the inquiry report questioned in the present writ petition also is one which was issued around more than 10 months back. The petitioner has all

the rights for putting of his defence before the Disciplinary Authority including questioning the findings of the Inquiry officer.

4. It would not be proper for this Court for exercising of its power of judicial review under Section 226 of the Constitution of India to conduct a roving inquiry or substitute itself as a fact finding agency or substituting itself as an appellate body over the Disciplinary Authority or Inquiry officer to reach to a conclusion. Moreover, no final order has till date been passed, which alone could have been subjected to challenge in a present writ petition, as there is also a possibility of the Disciplinary Authority accepting the defence taken by the petitioner and dropping the entire proceedings.
5. For the aforesaid reasons, the present writ petition deserves to be and is accordingly dismissed.

Sd/-  
**(P. Sam Koshy)**  
**Judge**