

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4695 of 2019

Anita Agrawal S/o Prahlad Kumar Agrawal Aged About 52 Years Presently Posted As District Programme Office, Women And Child Development, Raigarh Chhattisgarh (Now Suspended) R/o Near Rani Sati Mandir, Shanti Nagar, Ameri, Chowk Bilaspur, District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Women And Child Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Under Secretary, State Of Chhattisgarh, Women And Child Development Mantralaya Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
3. Commissioner Women And Child Development Department, Indrawati Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
4. Collector Korba, District Korba Chhattisgarh.
5. District Programme Officer Women And Child Development, Korba District Korba Chhattisgarh.

---Respondents

For Petitioner	:	Ms. Hamida Siddiqui, Advocate
For State	:	Mr. Ishan Verma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy
Order on Board

27/06/2019

1. The present writ petition has been filed seeking for the following relief:

 “10.1) That, this Hon'ble Court be pleased to direct the respondents authorities that the entire departmental enquiry flowing from the note sheet dated 02.02.2016 be quashed.”
2. The contention of the petitioner is that the petitioner is a class-1 officer working on the post of District Programme Officer. The contention of the petitioner further is that while working at district Korba as a District Programme Officer certain allegations have been leveled against the petitioner and the Collector Korba, who otherwise is not a competent

authority to initiate disciplinary proceedings against the petitioner has issued Annexure P/5 dated 02.02.2015 for initiating of the disciplinary proceedings and for imposing of a major penalty upon the petitioner. The petitioner seems to be aggrieved by this correspondence.

3. The further contention of the petitioner is that the Department has till date not issued any charge-sheet also to the petitioner and without issuance of a charge-sheet or giving an opportunity to give explanation to the charges leveled against the petitioner, the Department has straight way proceeded to conduct a departmental enquiry, which as such is contrary to the provisions of the **Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966**, particularly the procedure prescribed under Rule 14 of the said Rules.
4. Having gone through the documents, which have been enclosed along with the writ petition, it appears that the petitioner has been subjected to disciplinary proceedings in more than one case. It appears that there simultaneous disciplinary proceedings being initiated by the District Departmental Inquiry Officer, District Korba. It also appears that the charge-sheet and the relevant records prima facie has not been directly served upon the petitioner as is evident from the correspondence that the petitioner has made to the higher authorities in the Department including the Inquiry Officer also.
5. Given the aforesaid factual matrix, knowing fully well the scope of interference that this Court can have in a disciplinary proceedings particularly at this stage when the inquiry proceeding has only been initiated by the Department, this Court is of the opinion that ends of justice would meet if the writ petition is disposed of with a direction to the respondent No.1 to look into the grievance of the petitioner, particularly in respect of her

grievance of she having not being served with any charge-sheet till date in respect of any of the disciplinary proceedings initiated against her and as such she is not aware of which disciplinary proceedings, she has to face before the Inquiry Officer. At the same time, she has not also got an opportunity to give her explanation to the charge-sheet in respect of which the departmental enquiry are being conducted.

6. The respondent No.1 is further directed to see that the charge-sheet is issued by a duly competent officer if not served till now as per the provisions of the Rules and the inquiry also would be conducted purely in accordance with the Rules of 1966 taking into consideration the fact that the petitioner is a class-1 officer.
7. Needless to mention that while issuance of the charge-sheet and conducting of the inquiry, the authorities concerned would not be influenced by the correspondence made by the Collector, Korba on 02.02.2016 to the respondent No.3, whereby the Collector has proposed imposition of major penalty against the petitioner.
8. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved