

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.5305 OF 2019**

Suresh Bharti S/o Shri Baldhari Ram Aged About 29 Years Assistant Grade -3 / Reader of Additional Collector Surajpur, District Surajpur Chhattisgarh, At Present at Office of Tahsildar Odgi, Tahsil Odgi, District Surajpur Chhattisgarh.

...Petitioner(s)**Versus**

1. State of Chhattisgarh Through Secretary, Department of Revenue and Disaster Management Mahanadi Bhawan, New Mantralaya, Raipur Chhattisgarh.
2. Collector Surajpur, District Surajpur Chhattisgarh.
3. Additional Collector Surajpur, District Surajpur Chhattisgarh.
4. Enquiry Officer/Additional Collector Surajpur, District Surajpur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri FS Khare, Advocate.
For Respondent-State	:	Shri Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****22.07.2019**

1. Challenge in this petition is to the impugned charge sheet dated 28.12.2018.
2. The solitary ground that the petitioner has raised is that, a plain reading of the charges which have been levelled against the petitioner would reveal that the disciplinary authority has already reached to the conclusion that the petitioner is guilty of the charges levelled against him. According to the petitioner, such charge sheet would not be sustainable and the same deserves to be set aside.
3. From the perusal of records, it appears that the petitioner was issued with a charge sheet on 28.12.2018 and after more than six months time the petitioner has now filed a detailed reply to the charge sheet on 03.06.2019 well before the present writ petition was filed. For the initial six months time

the petitioner does not seem to have any grievance on the initiation of disciplinary proceeding by the respondents.

4. Thus, this court is not inclined to entertain the writ petition at this juncture.
The petitioner's apprehension that he has been found guilty can be diluted by holding that the respondent authorities including the enquiry officer, if any, would not get influenced by the wordings of the article of charges levelled against the petitioner. The respondents would conduct a free and fair enquiry granting full opportunity of hearing and defence to the petitioner.
5. It appears that the impugned order dated 28.12.2018 prima facie is not properly worded, inasmuch as, the sentence holding the petitioner guilty of the misconduct alleged can be made only if found proved.
6. Given the said facts that since the charge sheet provides for detail charges that have been levelled against the petitioner, the order of disciplinary authority while issuing to the charge sheet to the extent he has been found guilty is mere technical and it would not come in the way of the authorities in taking a decision based on the findings of the enquiry officer.
7. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge