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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 338 of 2019**

(Arising out of order dated 27.06.2019 passed in Writ Petition (S) No.4695 of 2019 by the learned Single Judge)

Anita Agrawal W/o Prahlad Kumar Agrawal Aged About 52 Years Presently Posted As District Programme Officer, Women And Child Development, Raigarh, Chhattisgarh now Suspended R/o Near Rani Sati Mandir, Shanti Nagar, Ameri Chowk, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Appellant**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 Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- 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 Appellant	: Shri Sumit Singh Rathore, Advocate.
For Respondent/State	: Shri Amit Buxy, Panel Lawyer.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board**P. R. Ramachandra Menon, Chief Justice****14.08.2019**

1. The Appellant is aggrieved by the verdict passed by the learned Single Judge, by which, the writ petition challenging the departmental enquiry initiated against her was disposed of without setting aside the proceedings under challenge. The Appellant is serving as a Class-I officer holding the

post of District Programme Officer, and while so, in connection with certain misconducts allegedly committed by the Appellant, it was decided to initiate disciplinary proceedings by issuing Annexure P/5 dated 02.02.2015 for imposing a 'major penalty'. This was sought to be challenged by filing the writ petition to quash the entire disciplinary proceedings, mainly contending that the authorities concerned had not given regard to the relevant provisions of law and there are infringement of the Rule 14 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966.

2. The case projected by the Appellant was considered by the learned Single Judge, in the light of the submissions made across the bar, noted the involvement of the Appellant/writ Petitioner in cases involving more than one instance of disciplinary proceedings. The submission with regard to the non-issuance of charge-sheet was also noted by the learned Judge, apart from the challenge raised as to the correctness and sustainability of proposing 'major penalty'. The matter was disposed off directing the 1st Respondent to look into the grievance projected by the Petitioner, particularly, with regard to the non-issuance of charge-sheet till date and also directing the 1st Respondent to see that the charge-sheet be issued by a duly competent officer, if not served as on date, as per the relevant Rules. There was also a further direction to the effect that the authorities concerned would not be influenced by the correspondence made by the Collector, Korba on 02.02.2016 to the 3rd Respondent, whereby the Collector had proposed imposition of 'major penalty' against the writ Petitioner/Appellant. The observations as contained in paragraphs-5 to 7 are relevant, which are appropriate to be extracted as given below :

“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.”

3. Learned counsel for the Appellant points out that since there are multiple proceedings against the Appellant, there is no clarity with regard to the

witnesses or documents, being examined/produced before the enquiring authority, with specific reference to the misconduct.

4. After hearing learned counsel for the Appellant as well as learned counsel representing the State, we are of the view that no prejudice has been caused to the Appellant in any manner. However, it is made clear that, if there is any lapse in this regard, it shall be for the Respondent concerned to have it rectified, because clarity in the charge-sheet and such other proceedings, is very much essential to enable the delinquent employee to answer the charge and defend the case in a proper and effective manner. No tenable ground is made to interdict with the verdict passed by the learned Single Judge. The appeal is dismissed.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge