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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 6103 of 2019**

Rajendra Kumar Gilhare S/o Lakhan Lal Gilhare, Aged About 52 Years, Working As Assistant Grade - III At Office Of The District Mining Officer, R/o Near Small Railway Crossing Purena, Police Station Telibandha, Civil And Revenue District Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Mining Resources, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur, Chhattisgarh
2. The Director, Geology And Mining, Chhattisgarh, Block IV, 2nd Floor, Indrawati Bhawan, Atal Nagar, District Raipur, Chhattisgarh
3. The Collector (Mining Branch) Raipur, District Raipur Chhattisgarh
4. District Mining Officer Raipur, District Raipur, Chhattisgarh
5. Station House Officer Of Police Station Civil Lines, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Rajeev Shrivastava, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****22.08.2019**

1. The relief sought for by the petitioner in the present writ petition is firstly for quashment of the charge sheet in a disciplinary proceeding dated 26.07.2019. The second relief sought for by the petitioner is

for an appropriate direction to the respondents to restrain from proceeding with the departmental inquiry pending the criminal case against the petitioner for the same allegation and charge which has been levelled in the charge sheet.

2. The contention of the counsel for the petitioner is that an FIR was lodged against the petitioner on 28.09.2018 for the offence punishable under Sections 467, 468, 471 read with section 120B of IPC. The charge sheet has also been filed before the criminal Court on 17.02.2019 and the offence under Section 420 of IPC has also been added. Meanwhile, the respondents have now issued a charge sheet dated 26.07.2019 Annexure P-4 for a disciplinary proceeding.
3. The contention of the counsel for the petitioner is that the substantive basis for issuance of the charge sheet in the disciplinary proceeding is the initiation of the criminal case. He submits that the documents which the department is relying upon are also pertaining to the criminal case and most of the witnesses cited also are the same who are the witnesses in the criminal case. Therefore, prejudice would be caused to the interest of the petitioner if the department proceeds with the departmental inquiry at this stage. The petitioner has submitted a detailed reply to the charge sheet on 06.08.2019 and no further step has been taken by the Department till date.
4. It has been informed by the counsel for the petitioner that the criminal case initiated against the petitioner as of now stands stayed by this High Court in WPCR No.160/2019 vide interim order dated 13.03.2019. Since the criminal case initiated against the petitioner

stands stayed by the High Court and the respondents at the same time have taken steps for proceeding against the petitioner in a disciplinary proceeding, conscious of the fact that the scope of interference by this Court at this juncture would be too limited. This Court is of the opinion that ends of justice would meet if the petitioner is permitted to make an appropriate application in this regard before the Inquiry Officer who in turn considering the contents of the said application shall take an appropriate decision so far as the request of the petitioner for staying of the department inquiry pending the criminal case, in accordance with the rules governing the field.

5. Needless to mention that this Court has not expressed any opinion on the merit of the case so far as the entitlement of the relief sought for by the petitioner is concerned. The Inquiry Officer would be at liberty to pass an appropriate order on the merits of the case.
6. The writ petition accordingly stands disposed of.

Sd/-
P. Sam Koshy
Judge