

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 8826 of 2019**

- Santosh Ratre S/o Shri C.R. Ratre Aged About 40 Years R/o Village-Bandhabhra, Post Semaria, Police Station-Birra, Tahsil- Champa, District-Janjgir-Champa, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Its Secretary, Department Of Home (Police), Mahanadi, Mantralaya, Police Station And Post- Rakhi, Atal Natar, Raipur, District- Raipur, Chhattisgarh
2. Additional Director General Of Police (A.D.G.P.) Chhattisgarh Armed Force (CAF), Police Headquarters (PHQ), Near Mahanadi Mantralaya, Police Station And Post- Rakhi, Atal Nagar, Raipur, District- Raipur, Chhattisgarh
3. Deputy Inspector General Of Police (D.I. G. P.) Chhattisgarh Armed Force (CAF), Police Headquarters (PHQ), Near Mahanadi Mantralaya, Police Station And Post- Rakhi, Atal Nagar, Raipur, District- Raipur, Chhattisgarh
4. Commandant 12th Battalion, Chhattisgarh Armed Force (CAF), Ramanujganj, District- Balrampur- Ramanujganj, Chhattisgarh
5. Enquiry Officer/ Assistant Commandant 12th Battalion, Chhattisgarh Armed Force (C.A. F.) Ramanujganj, District- Balrampur- Ramanujganj, Chhattisgarh

---- Respondents

For Petitioner : Shri Abhishek Pandey, Advocate

For Respondents/State : Shri Avinash Singh, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****24/10/2019**

1. Heard.
2. Learned counsel for the petitioner would submit that pursuant to a complaint made on 24.09.2017, the petitioner was charge-sheeted and in the initial

charge-sheet, the name of 23 witnesses were recorded. While in the departmental enquiry statements were recorded on 16.04.2019 & 20.05.2019, wherein one Rubin Kumar had also made a complaint other than the lady who initially made the complaint, who is said to be the husband of lady. It is stated that in such complaint other 8 witnesses statements were recorded behind the back of the petitioner, therefore, there is violation of rules of natural justice and the petitioner was not allowed to cross-examine the witnesses. He would further submit that the grievance of the petitioner has not been considered. It is further contended that the respondent who has conducted the enquiry is biased as it would be evident that in the enquiry report the statements of 7 witnesses have been reported leaving apart the other witnesses who have deposed, therefore, there cannot be pick & choose method to substantiate arbitrariness.

3. Considering the fact that the enquiry report has not yet been accepted yet by the Disciplinary Authority, the petitioner would be at liberty to make a detailed representation before the respondent No.4, who is the disciplinary authority of the petitioner and the petitioner would be at liberty to raise all the grounds which are raised here before this Court. It is expected that the respondent No.4 shall deal the grievance without any prejudice to advance the cause of justice. At this stage any finding by this Court would be premature and may affect the independent finding of the disciplinary authority.
4. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge