

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9260 of 2019**

- Pawan Kumar Meshram S/o Late W R Meshram Aged About 60 Years Presently Working As Executive Engineer, Rural Engineering Service, Department Of Panchayat And Rural Development, Jagdalpur, District : Bastar(Jagdalpur), Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District : Raipur, Chhattisgarh

---- Respondent

For Petitioner	:	Mr. N.Naha Roy, Advocate
For Respondent/ State	:	Mr. Amrito Das, Additional A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****14/11/2019**

1. Heard.
2. The challenge in this petition is to the charge sheet issued to the petitioner. It is contended that the charge sheet so issued is so vague. It does not make out any mis-conduct ever has been committed.
3. Learned counsel for the petitioner went through the charge sheet and would submit that the charges are so vague and that the same cannot be go into for the purpose of inquiry and the petitioner who is not at all in any fault for the allegations of charges cannot be subjected to mental agony and to pass through the departmental inquiry. He placed reliance in judgment of Hon'ble Supreme Court in the matter of **Union of India Vs. J. Ahmed¹**, and submits

¹AIR (SC) 1979 0 1022

that the principle as has been laid down that lack of efficiency, failure to attain the highest standard of administrative ability while holding a high post would not constitute a mis-conduct. In such case the every officer of the government department would be guilty of mis-conduct.

4. Learned counsel for the State opposes the arguments and submits that the petition is premature. It is further contended that it is not accepted that every minute detail of the charge and inquiry statement would found to be placed in the charge sheet and the petitioner is required to face the departmental inquiry wherein he would get all the documents and the right to defend himself. It is stated at the thresh hold it cannot be said that no allegations can be attributed.
5. Perused the charge sheet. There are as many as four charges were levelled. The Charge no.1 pertains to that the contingency funds were kept in the Sundry deposit and from that Sundry deposit the payments were made to the Data Entry Operator, Guard etc. However, the budget was not approved to make payment to them like wise. The Charge No.2 would show that in respect of the construction of a stadium wrong agency was deployed to compel the construction and delay was caused in completion of the construction by avoiding obeying directions of the higher officials. The Charge No.3 is with respect to construction of bathroom and provide the drinking water which was to be completed on or before 09.07.2018 but the contractor did not complete it till 28.03.2019. The allegations made that despite such delay, the payment was made to the contractor and against the norms, every payment was made to the contractor which was not payable to him. Further allegation is that like wise another hall was to be constructed wherein despite delay in time though not extended the payment was made to the contractor. The Charge No. 4 was that in a project though the amount was sanctioned for payment to the contractor for a construction of some building, despite such sanctioned was made, the payment was not released

to the contractor, which eventually delayed the construction.

6. Reading of the aforesaid charges it does not give an impression in the mind that such charges if are accepted by the petitioner would exonerate him of the allegations. The level of allegation which has been made certainly required to be gone into by the departmental inquiry. It is not the stage that the Court is deciding a case where in all the statements of the witnesses are recorded or documents are before it and finding of departmental enquiry is before it.
7. The petition is against the charge sheet issued. Therefore, at this stage the defence of the petitioner cannot be gone into and the acceptance of the contention of the petitioner would amount to permitting to adduce his defence at the thresh hold while the charge sheet is only served. It is settled proposition, when the charge sheet is served the Court cannot appreciate the fact of proof, but it has to focus on averments, alone and if in the opinion of Court there strong suspicion exists, that if certain allegation are put for enquiry whether it would prove his guilt or not. After going through the allegations of charges I am of the opinion that it cannot be nip in bud so as to decide the departmental inquiry.
8. As a result, the petition has not merits and the same is accordingly dismissed.

Sd/-
(Goutam Bhaduri)
Judge