

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No.721 of 2020

Jagdish Bansal S/o Ramphal Agrawal, Aged About 61 Years R/o Bansal Apartment Sakti, Police Station and Tahsil Sakti, District Janjgir Champa Chhattisgarh. Mo. No. 9300624445.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Its Secretary, General Administrative Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Chhattisgarh Lok Ayog, Through Its Lokayukt, Gandhi Chowk Raipur, District Raipur Chhattisgarh.
3. Chhattisgarh Lok Ayog, Through Its Secretary, Gandhi Chowk Raipur, District Raipur Chhattisgarh.
4. Indrajeet Barman, Sub Divisional Magistrate Sakti, District Janjgir Champa, Presently Posted as Commissioner Municipal Corporation Durg, Tahsil and District Durg Chhattisgarh.

---Respondents

For Petitioner	:	Shri Ratnesh Kumar Agrawal, Advocate.
For State	:	Shri Ashutosh Mishra, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24.02.2020

1. The challenge in the present writ petition is to the order dated 26.11.2019 (Annexure P/1) passed by the respondent No.2 closing the complaint lodged by the petitioner against the respondent No.4.
2. The grievance of the petitioner is that, firstly the order passed by the respondent No.2 is a non speaking order as he has not applied his mind while closing the complaint; secondly the respondent No.2 has not verified the documents which the petitioner has provided so far as the misconduct committed by the respondent No.4 is concerned. The other ground of challenge is that, the petitioner as such has not been taken into confidence while the matter was being examined by the authorities at Janjgir Champa as he also ought to have been made a party to the enquiry/investigation before the respondent No.2 could have closed the matter.

3. Having heard the contentions put forth by the counsel for the petitioner and on perusal of impugned order, what clearly reflects is that the respondent No.2, on receiving the complaint from the petitioner, had got the matter inquired at the local level and on enquiry it has been found that the respondent No.4 has not exceeded his power in any manner and that whatever orders have been passed, has been in accordance with the provisions of law governing the field. Moreover the dispute arising out of the said order of the respondent No.4 is still pending before the Board of Revenue.
4. Given the aforesaid facts and circumstances of the case which are undisputed, the Lok Ayog reached to the conclusion that at this juncture it would not be appropriate to hold that the respondent No.4 has exceeded his powers and jurisdiction conferred upon him while passing the impugned order Annexure P/1. This court also does not find any substantial material for entertaining the writ petition on the grounds raised by the petitioner.
5. Perusal of Chhattisgarh Lok Ayog Act, 2002 would clearly reveal that on receipt of the complaint, the Lok Ayog has got its own mechanism for getting an enquiry conducted and on the basis of the enquiry, appropriate orders have to be passed. In the instant case, from the impugned order it clearly reflects that an enquiry infact was conducted and the decision has been taken based on the findings given in the enquiry.
6. Under the circumstances, this court does not find any sufficient material available for entertaining the writ petition at this juncture. The writ petition fails and accordingly stands rejected.

Sd/-
(P. Sam Koshy)
Judge