

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3231 of 2020**

- Raja Jagat S/o Late Shri S.V. Jagat, Aged About 33 Years R/o Village Madan, Post Police Station And Tahsil Pali, District Korba Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Home/ Police, Mahanadi Bhawan, Mantralay, Police Station And Post Rakhi, Atal Nagar, New Raipur, District Raipur Chhattisgarh
2. Director General Of Police (D.G.P.) Police Headquarters (P H Q), Near Mahanadi Mantralay, Police Station And Post Rakhi, Atal Nagar, New Raipur, District Raipur Chhattisgarh
3. Inspector General Of Police (I.G.P.) Office Of Inspector General Of Police (I.G.P.), Near Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh
4. Superintendent Of Police (S.P.) Office Of Superintendent Of Police (S.P.), Korba District Korba Chhattisgarh
5. Enquiry Officer, Deputy Superintendent Of Police (D.S.P.), Headquarters, Office Of Superintendent Of Police, Korba, District Korba Chhattisgarh
6. Presenting Officer, Station House Officer (S H O), A J K Thana, Korba, District Korba Chhattisgarh

---- Respondents

For Petitioner : Shri Abhishek Pandey, Advocate

For Respondents/State : Shri Amrito Das, Addl. AG

Hon'ble Shri Justice Goutam Bhaduri**Order****19/08/2020**

1. Heard.

2. Learned counsel for the petitioner would submit that the departmental enquiry has been conducted against the petitioner

in a prejudicial manner as the enquiry officer is acting as prosecuting officer, therefore, the enquiry would be vitiated.

3. Learned State counsel, on instructions, would submit that the letter dated 06.07.2020 was served to the petitioner whereby he was given time to file reply against the report submitted by the enquiry officer before the disciplinary authority. It is contended that the petitioner sought for 15 days time to file reply, however, the reply having not been filed, again a notice of the like nature to file objection was given to the petitioner on 04.08.2020, which too was not replied and again, as per instructions, on 18.08.2020 another notice has been given to the petitioner to file reply to the report of the enquiry officer, therefore, at this moment, the petition is premature.
4. In response to the submission made by learned State counsel, learned counsel for the petitioner would submit that the petitioner has not suppressed anything and the present petition having been filed on 04th of August, 2020 and the very enquiry report is under challenge.
5. After consideration of the arguments advanced by learned counsel for the parties, since the petitioner at this stage challenged the enquiry report, the petitioner has already been granted opportunity and time to submit objection before the disciplinary authority by letter dated 06.07.2020 (Annexure P-11). The submission made by the State that subsequently two letters

have already been issued to file reply and the last letter was issued on 18.08.2020, whereby the petitioner was asked to file the reply. If the petitioner is aggrieved by the report of the enquiry officer, the same may be raised before the disciplinary authority. Consequently, at this stage, this petition is premature. The petitioner is at liberty to raise all the grievance before the disciplinary authority as was asked by the letter dated 06.07.2020 and subsequent letters, the petitioner if thereafter is aggrieved shall have all the right to challenge the same before the appropriate forum.

6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu