

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3465 of 2020**

- Praveen Kumar Rathore S/o Shri Kamal Kumar Rathore, Aged About 28 Years
R/o M Q-265, Urja Nagar, Gevra, Dipka- Jhana, Korba Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur Chhattisgarh
2. Director, Directorate Of Panchayat IInd Floor, Indrawati Bhawan, Naya Raipur, Atal Nagar, District Raipur Chhattisgarh
3. Deputy Director, Panchayat, Jashpur, District Jashpur Chhattisgarh.
4. Collector, Jashpur, District Jashpur Chhattisgarh.
5. Chief Executive Officer, Zila Panchayat, Jashpur, District Jashpur Chhattisgarh.
6. Pramod Kumar Harit, Presently Posted As Deputy Director, Panchayat, Jashpur, District Jashpur Chhattisgarh.
7. K.S. Mandavi, Presently Posted As Chief Executive Officer, Zila Panchayat Jashpur, District Jashpur Chhattisgarh

---- Respondents

For Petitioner : Mr. Faisal Akhtar, Advocate

For State : Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

01.09.2020

Heard.

1. The challenge in this petition is to the order dated 14.05.2020 (Anneuxre P-1) wherein the departmental enquiry is being proposed against the petitioner for the misconduct which is being projected.
2. Learned counsel for the petitioner would submit that at the same time the petitioner was served with a notice dated 05.12.2019 (Anneuxre P-9) for

unauthorized absence, however the absence was because of medical ailment but the allegation is that the petitioner has attended UPSC coaching at Delhi and has drawn the salary for the period in which he has not worked as the leave period is treated as unauthorized absence. He would further submit that by letter dated 05.12.2019 (Annexure P-9) deemed termination has been made whereas at the same time Annexure P-1 has been issued to hold departmental enquiry against the petitioner. Therefore, the petitioner may be allowed to work as he is not being allowed to discharge his job.

3. Perusal of relief clause of the petition would show that it is only confined to the fact that letter dated 14.05.2020 (Annexure P-1) be quashed/ set aside but during the course of argument entirely new facts are being projected which are not at all claimed in the petition. It is stated that the petitioner may be allowed to work however there is no whisper in the prayer or in the pleading in the petition as to what is the issue instead the Annexure P-1 dated 14.05.2020, which is a notice for contemplating departmental enquiry is sought to be quashed. The submission of the petitioner therefore cannot be allowed to camouflage the departmental enquiry and avoid the same. The notice dated 14.05.2020 (Annexure P-1) whereby the departmental enquiry is contemplated is a fact finding issue and at the threshold if the High Court steps-in and quash that order then it would amount to arrest the proposed departmental enquiry. Therefore, considering the prayer made by the petitioner at this stage in petition, I am not inclined to exercise the power under Article 226 of the Constitution of India.

4. Accordingly, the petition is liable to be and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge

