

HIGH COURT OF CHHATTISGARH, BILASPURWPS No. 3433 of 2020

- Kritesh Kumar Gendre S/o Shri Sukhcharan Gendre, Aged About 34 Years R/o Village Arjunda, Nagar Panchayat Arjunda, Ward No. 6, Block - Gunderdehi, District - Balod Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through - The Secretary, C R E D A, Mahanadi Bhawan, Mantralaya, Naya Raipur, District - Raipur - Chhattisgarh.,
2. The Chief Executive Officer, C R E D A, Head Office, V I P (Airport Road), Near Urja Siksha Udyan, Village Fundhar, Post - Devpuri, Raipur, District - Raipur Chhattisgarh.
3. The Chief Engineer, C R E D A , Head Office, V I P (Airport Road), Near Urja Siksha Udyan, Village Fundhar, Post - Devpuri, Raipur, District - Raipur Chhattisgarh
4. The Superintendent Engineer, C R E D A, Head Office, V I P (Airport Road), Near Urja Siksha Udyan, Village Fundhar, Post - Devpuri, Raipur, District - Raipur Chhattisgarh.
5. M/s Kaho B - 69, Sector - 57, Noida 201301 (U.P.) (N C R Circle)
6. The Sarpanch Village Panchayat Mukram, Janpad Panchayat Konta, District - Sukma Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Mayank Chandrakar, Advocate
For State	:	Ms. Akansha Jain, Dy. G.A.

Hon'ble Shri Justice Goutam BhaduriOrder26.08.2020

1. Heard
2. Learned counsel for the petitioner submits that the petitioner was served with a show cause notice dated 09.07.2020 (Annexure P/1) on the allegation that the petitioner has committed misconduct in terms of his letter of appointment. He submits that there has been a dispute

about the issue pertains to number/ unit installation of the solar light and the respondent No. 4, without inspection of the installed light physically, has prepared the report that few of the lights are not working and a wrong figure has been quoted about installation. It is stated that the said report is prepared while sitting in the office by Respondent No. 4 without physical inspection. He further submits that pursuant to Annexure P/1, the petitioner has filed his reply vide Annexure P/11 dated 24.07.2020 any opportunity of hearing is not given in such enquiry and the petitioner is not allowed to enter the office thereby rules of natural justice is not followed.

3. Perused the documents. In the show cause notice dated 09.07.2020 (Annexure P/1), it is contended that out of 130 solar lights which were to be installed 87 were found to be in non-working condition and the actual installation of the lights were of number 122. In any case this is a disputed question of facts. As it would reveal from the document that the petitioner has filed the reply to the show cause notice vide Annexure P/11, it is directed that the respondent No. 3 (The Chief Engineer, CREDA) who had issued the notice (Annexure P/1) would give an opportunity of hearing to the petitioner and thereafter shall pass the appropriate orders after verification of facts. At this stage the present writ petition, since being filed against the show cause notice, is premature.
4. Accordingly, the writ petition stands disposed off with the aforesaid direction/ observation.

Sd/-

(Goutam Bhaduri)
Judge