

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS NO. 779 OF 2021**

Hotam Singh Mourya, S/o Deviram Mourya, aged about 48 years, R/o District Jail, Jashpur, District Jashpur (CG) **... Petitioner**

versus

1. State of Chhattisgarh, through the Secretary, Home (Police) Department, Mahanadi Bhawan, Mantraya, Nawa Raipur (CG)
2. The Director General, Jail and Corrective Services, Jail Headquarter, Chhattisgarh, Raipur (CG)
3. The Superintendent of Jail, Central Jail, Ambikapur, District Surguja (CG)
4. The Assistant Superintendent of Jail and Inquiry Officer, District Jail, Baikunthpur, District Korla (CG) **... Respondents**

For Petitioner	:	Mr. Goutam Khetrapal, Advocate.
For Respondents/State	:	Ms. Akansha Jain, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01/03/2021

1. The present Writ Petition has been filed by the Petitioner seeking for quashment of Annexure P-1, dated 1.10.2020, whereby the respondent authorities have permitted the Petitioner to obtain the documents, that he is seeking for, from the concerned office where those documents are maintained.
2. Brief facts of the case are that the Petitioner is working on the post of Head Wardner at District Jail, Jashpur. He was served with a show cause notice on 4.10.2018 on the allegation of embezzlement of certain amount of money. Subsequently, the Petitioner was also issued with a charge-sheet on 22.11.2018 and he was also placed under suspension vide order dated 17.10.2018. After giving reply to the charge-sheet by the Petitioner, the Respondents appointed an Inquiry Officer for the enquiry being conducted in respect of the allegation levelled against the Petitioner.
3. According to Petitioner, he had approached the respondent authorities for providing certain documents with which it could be established that the allegation levelled against him is totally baseless and without any substance.
4. Respondents have now vide the impugned order held that so far as the documents sought for by the Petitioner are concerned, he would be free to obtain the same on his own from the concerned office in accordance with the rules governing the field.

5. This order is challenged on the ground that unless those documents are provided to the Petitioner, it would be difficult for him to bring his case before the Inquiry Officer effectively.

6. Learned Counsel for Petitioner submits that in the event if the respondent authorities rely upon these documents the same would be detrimental to the Petitioner in the course of conducting of Departmental Enquiry and therefore appropriate direction may be given to the Respondents for providing these documents to the Petitioner.

7. Learned State Counsel submits that from the pleadings made in the Writ Petition and the annexures enclosed therein, it is evidently clear that the Petitioner was in fact provided with the documents which he has sought for, as is evident from the pleading that is reflected in paragraph 8.10 of the present Writ Petition. Learned State Counsel further submits that however if the demand of the Petitioner is for providing certified copies of the documents, vide the impugned order, Annexure P-1, the authorities have directed the Petitioner to obtain the certified copies of the same from the concerned office. Learned State Counsel also submits that so far as the effective defence is concerned, the Petitioner has already been provided with the documents as sought for by him and which he could very well rely upon in the course of enquiry to substantiate his contentions.

8. Having heard the contentions put forth on either side and on perusal of record, it is evidently clear that the Petitioner has been provided with all the documents which he had sought for though the documents were not certified by the Department. In any case, if the documents have been provided by the Department to the Petitioner, it has to be presumed that those documents are authentic documents. Petitioner can very well use these documents in his defence in the course of conducting of Departmental Enquiry. Moreover, the Petitioner has been permitted to obtain the certified copies of the same in accordance with the rules from the concerned office which, in other words, that the department has not refused or rejected the Petitioner's case. Petitioner can very well avail the benefit of the order passed by the authorities vide the impugned order, Annexure P-1.

9. Thus, for all the aforesaid reasons, this Court is of the opinion that no strong case calling for interference with the impugned order has been made out by the Petitioner.

10. Writ Petition thus being devoid of merits deserves to be and accordingly dismissed.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE