

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 674 of 2020

1. A.K. Soni S/o Late K.P. Soni Aged About 55 Years Presently Posted As Joint Director, Industrial Training Institute, Regional Office, Bilaspur, District Bilaspur, Chhattisgarh.

---Petitioner(s)

Versus

1. Union of India Through Department of Personnel and Training New Delhi.
2. State of Chhattisgarh Through The Secretary, Skill Development, Technical Education And Employment, Department Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh.
3. Secretary General Administration Department Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh.
4. Secretary Lok Ayog Gandhi Chowk, Raipur, District Raipur, Chhattisgarh.
5. Director Employment Training Indrawati Bhawan, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh.
6. Commissioner Department Enquiry, D.K.S. Bhawan Campus Raipur, District Raipur, Chhattisgarh.
7. Deputy Secretary Skill Development, Technical Education And Employment, Department Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh.
8. Under Secretary Skill Development, Technical Education And Employment, Department Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Uttam Pandey, Advocate.
For Respondents-State	:	Ms. Akanksha Jain, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05.10.2021

1. The present writ petition has been filed by the petitioner substantially aggrieved of the manner of the enquiry proceedings which was initiated against the petitioner.
2. The relief basically sought for by the petitioner is firstly to supply the copy of statement of witnesses recorded during the stage of preliminary enquiry. Secondly, to supply with the daily report of the enquiry proceedings and thirdly directing the respondents to conduct a joint enquiry against all the 22 delinquent against whom disciplinary proceedings have been initiated on identical charges, in terms of Rule 18 of Chhattisgarh Civil Services

(Classification, Control and Appeal) Rules, 1966 (in short, the Rules, 1966).

- 3.** Learned counsel appearing for the State referring to reply and also referring to the instructions which they have received from the department, submits that the respondent No.6 himself has issued an order dated 04.04.2019 directing the enquiry officer to supply the petitioner with all relevant documents which is being relied upon by the department in the course of enquiry. This according to the State counsel would meet the grievance of the petitioner so far as supply of documents is concerned. As regards the prayer for joint enquiry is concerned, the State counsel drew the attention of the court to the order dated 20.09.2018 (Annexure P/2) whereby the decision of the authorities themselves was for conducting of a joint enquiry. This goes to show that the department itself had at the first instance decided to have a joint enquiry in respect of all 22 delinquents implicated with same charges as that has been levelled against the petitioner.
- 4.** So far as the third prayer is concerned, the State counsel submits that there is no difficulty for the enquiry officer in providing the daily order sheets of the enquiry proceedings to the delinquent employee.
- 5.** Given the said statement of the counsel for the State, this court is of the firm view that the grievance of the petitioner stands substantially answered to and he should not have any further grievance as such, however, It is made clear that though the counsel for the petitioner has claimed for statement of witnesses recorded in the preliminary enquiry, this court wants to make it clear that the petitioner shall be entitled for only those documents which the Presenting Officer or for that matter the department shall be producing and relying upon in the course of department enquiry. This in other words means that those documents and those statement

which have not come during the course of the departmental enquiry cannot be relied upon by the enquiry officer for the purpose of submitting his enquiry report and would also not be relied upon by the disciplinary authority for the purpose of finalizing the disciplinary proceedings.

6. It is expected that the petitioner shall be provided with all relevant documents which the respondents shall be producing and relying upon in the course of the enquiry and at the same time the respondents shall also take care of conducting of a joint enquiry as ordered vide Annexure P/2 dated 20.09.2018 in respect of all 22 delinquents. Even otherwise, in terms of Rule 18 of the Rules, 1966, it requires to conduct a joint enquiry when there are more than one delinquent employees in a particular disciplinary proceeding.
7. The writ petition accordingly stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge