

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1471 of 2021**

U. S. Agrawal S/o Late Shri R.C. Agrawal Aged About 58 Years Presently
Posted As Office Of Collector , Kondagaon, District Kondagaon
Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Skill Development , Technical Education And Employment Department, Mantralaya , Mahanadi Bhawan, Atal Nagar Nawa Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh
3. Director Directorate Of Employment And Training, Indrawati Bhawan, Atal Nagar , Nawa Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Secretary Chhattisgarh State Mahila Ayog, Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
5. District Programming Officer Office Of District Programming Officer, Women And Child Welfare Department , 5 Building Parisar, District Durg Chhattisgarh., District : Durg, Chhattisgarh
6. Smt. B. Shankari Data Entry Operator, Industrial Training Institute Pulgaon, Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Uttam Pandey, Advocate
For State	:	Mr. Vivek Ranjan Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

22/03/2021

1. The present writ petition has been filed assailing four impugned orders Annexure P/16, P/19, P/23 & P/25. Annexure P/16 is an order whereby the Chhattisgarh Mahila Ayog seems to have passed an order to the Collector to conduct an inquiry by the Local Grievance Committee. Annexure P/19 is an inquiry report submitted to the

Collector, District Durg on the alleged complaint of the respondent No.3 sexually harassed by the petitioner. Annexure P/23 seems to be the consequential order of suspension and Annexure P/25 is a subsequent charge-sheet, which has been issued. Challenge to the aforesaid orders on the ground that firstly the complaint was at the first instance inquired and rejected by the Internal Committee and it was found to be made for extraneous reasons. Secondly, the complaint being without any basis.

2. The contention of the petitioner is that even if the original complaint of the complainant is taken into consideration, even then it would not fall within the act of an offence under the Act of 2013. Further, ground of challenge was that the Mahila Ayog ought to have got the matter investigated/inquired from the Internal Committee constituted for this purpose in the Department minutely, thereafter to have suggested appropriate remedial steps. In the absence of such inquiry being conducted by the Internal Committee, the inquiry report Annexure P/19 is per se illegal. Further, the contention of the petitioner is that since the wages itself was bad at the first instance, the subsequent suspension order and the issuance of charge-sheet and the disciplinary proceedings also would not be sustainable and deserves to be set-aside/quashed.
3. Having heard the contentions put forth on either side and on perusal of record, this Court is of the opinion that on the basis of an inquiry report Annexure P/19 dated 11.11.2019, the respondents seems to have placed the services of the petitioner on suspension vide order

dated 14.12.2020 and a subsequent charge-sheet has been issued on 23.01.2021.

4. Since the matter is seized by the Disciplinary Authority by way of an issuance of the charge-sheet placing the petitioner under suspension, this Court at this juncture in exercise of its writ jurisdiction is of the opinion that it is not the stage for interference or indulgence of this Court for exercising the writ jurisdiction interfering with the disciplinary proceedings initiated by the Disciplinary Authority.
5. Considering the sensitivity of the matter and the complaint lodged for and the fact that the authorities concerned have already got the matter inquired at the first instance and a report also was submitted to the District Collector as early as on 11.11.2019 and any remedial steps if initiated by the respondents, the same cannot be subjected to judicial review at this stage, where it is only a charge-sheet, which stands issued and where the petitioner also has the liberty to file a detailed response to the charge-sheet and which shall be duly considered by the Disciplinary Authority before proceedings further with the respondents. In all probabilities, if the petitioner is able to provide cogent and sufficient substantial reply to the charge-sheet, the Disciplinary Authority can also drop the disciplinary proceedings at that stage also. It would be premature for the High Court to convert itself as a fact finding agency or a body to conduct a roving inquiry so far as the veracity of the complaint lodged against the petitioner is concerned. Even otherwise it is a settled position of law that the High Courts in exercise of the writ jurisdiction should be slow

in entertaining petitions at show cause notice stage as also at the charge-sheet stage, where a decision is yet to be taken by the authorities concerned. Only issuance of the charge-sheet or placing of the petitioner under suspension would not by itself mean that the petitioner stands punished by the authorities for the alleged misconduct. In view of the same, this Court is reluctant to entertain the writ petition at this juncture and the writ petition therefore, at this juncture stands rejected. However, it is expected that in the event if the petitioner submits a detailed reply to the charge-sheet, the Disciplinary Authority shall duly appreciate the contentions and objections that the petitioner shall raise in the reply and only after due consideration of the same should the Disciplinary Authority proceed further with the matter in accordance with the service Rules governing the field.

6. With the aforesaid observations, the present writ petition stands dismissed.

Sd/-
(P. Sam Koshy)
Judge

Ved