

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2634 of 2021**

Dhaneshwar Prasad Napit S/o Shri Shankar Prasad Napit, Aged About 40 Years, Resident Of Manjhapara Sarhari, Pratappur, District- Surajpur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Home Police Affairs Mahanadi Bhawan, Atal Nagar, District- Raipur, Chhattisgarh
2. The Director General Of Police, Police Head Quarter, Atal Nagar District- Raipur, Chhattisgarh
3. The Inspector General Of Police, Durg Range, District- Durg Chhattisgarh
4. The Superintendent Of Police, Rajnandgaon, District- Rajnandgaon Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Vineet Kumar Pandey, Advocate
For State	:	Mr. Amrito Das, Addl. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****15.06.2021**

1. The challenge in the present writ petition is to the issuance of a charge-sheet dated 27.03.2021 issued by the office of the respondent no.4.
2. The primary contention of the petitioner in the present writ petition is that for the same set of facts and allegations, the petitioner on an earlier occasion was issued with a charge sheet on 23.01.2019 and the said charge sheet was also subjected to disciplinary proceedings and

the Inquiry Officer had also concluded the inquiry proceedings. The Disciplinary Authority subsequently vide order dated 30.01.2020 Annexure P-4 had cancelled the charge sheet and dropped the disciplinary proceedings.

3. The contention of the learned counsel for the petitioner is that on the same set of facts and allegations the petitioner cannot be subjected to face an inquiry again. It is also the contention of the petitioner that the earlier charge sheet was also subjected to challenge in the writ petition before this Court vide WPS No. 5967/2019 and this Court vide order dated 05.02.2020 had stayed the further proceedings of the departmental inquiry pending the criminal case against the petitioner and on this ground also the impugned charge sheet deserves to be quashed.
4. Learned Additional Advocate General appearing for the State on the other hand submits that it was a case where admittedly a charge sheet was issued on 23.01.2019. However, the charges particularly the article of charges were vague and were not specific as to the misconduct committed by the petitioner under the service regulations governing the field. He submits that the Inquiry Officer has also pinpointed this fact in his inquiry report. The Disciplinary Authority having duly considered all these aspects vide Annexure P-4 has thought it proper for cancelling the appointment and going for a de novo fresh inquiry against the petitioner after a fresh duly framed charge sheet is issued. According to the State counsel, this is well within the powers conferred upon the Disciplinary Authority. So far as the interim order granted by this Court on 05.02.2020 in WPS No. 5967/2019 is concerned, learned state counsel submits that the said

order was in fact much after the inquiry proceedings had been dropped by the authority concerned which perhaps was not brought to the notice of the High Court on the date when the interim relief was passed rather on the said date the writ petition itself had rendered infructuous in the light of the order passed on 30.01.2020 by the Inspector General of Police, Durg Range.

5. Having heard the contentions put forth on either side and on perusal of records, admittedly a charge sheet was issued to the petitioner earlier on 23rd of January, 2019. Inquiry was conducted and the inquiry report was also submitted. The matter was placed before the disciplinary authority. However, in the course of considering the findings of the Inquiry Officer, the Disciplinary Authority found that the very charge levelled against the delinquent petitioner herein was not in accordance with the service regulations governing the petitioner's service inasmuch as neither the article of charge was specific nor was the alleged misconduct under the service rules reflected in the charge sheet and realizing the lacuna/lapse in the disciplinary proceedings, the Disciplinary Authority thought it fit for quashing the entire disciplinary proceedings initiated then and ordering for a *de novo* inquiry.
6. The said power exercised by the Disciplinary Authority is well within the powers conferred upon it under the rules. Even otherwise the law is well settled that in the event the Disciplinary Authority finds that the charge sheet and the inquiry proceedings not being in accordance with the provisions of law, he can always quash the proceedings and order for a *de novo* inquiry which in the instant case starts from the stage of issuance of a fresh charge sheet.
7. Given the facts, this Court does not find any illegality so far as the

issuance of the impugned charge sheet Annexure P-1 dated 27.03.2021 is concerned. The writ petition to that extent sans merits and therefore deserves to be and is accordingly rejected.

**Sd/-
P. Sam Koshy
Judge**