

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 2672 OF 2021**

- Babloo Chanderiya, S/o Late Dhaniram Chanderiya, aged about 43 years, R/o H-2, Judicial Colony, Singhori, Bemetara, District Bemetara (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Law and Legislative Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur (CG)
2. The District and Sessions Judge, Bemetara, District Bemetara (CG)
3. The Chief Judicial Magistrate, Bemetara, District Bemetara (CG)

... Respondents

For Petitioner	:	Mr. Goutam Khetrapal, Advocate.
For Respondent No.1	:	Ms. Sunita Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****02/08/2021**

1. The defaults pointed out by the Registry in the instant case stand ignored as of now.
2. With the consent of learned Counsels appearing for the respective party, heard the matter finally on admission stage itself.
3. Assailing the charge-sheet dated 15.3.2021, Annexure P-9, the present Writ Petition has been filed by Petitioner.
4. Challenge to the said charge-sheet primarily seems to be on the findings and the report given by the Police Authorities on the issue of the death of one Ku. Varsha Miri who committed suicide on 20.6.2018 by jumping in front of a running train.
5. According to learned Counsel for Petitioner, since the Police Authorities have already investigated the matter and reached to the conclusion that no such allegation as alleged is established so far as Petitioner is concerned, the Disciplinary Authority cannot again raise up the same issue by way of charge-sheet or disciplinary proceeding.
6. Be that as it may, the challenge is to the charge-sheet and the law so far as the charge-sheet and the issuance of show-cause-notice is by now well settled. It has been repeatedly held that mere issuance of show-cause-notice or charge-sheet would not amount the action to be punitive. However, the delinquent would be entitled to submit a detailed reply to charge-sheet, the Disciplinary Authority in-

turn is expected to take an appropriate decision on the contents of reply and while deciding, whether to proceed further or drop the proceeding. Even if the Disciplinary Authority intends to proceed further, it would yet only after a complete enquiry with reasonable and fair opportunity of hearing and on the basis of cogent evidence being available, can an employee to be found guilty of charges levelled against him.

7. Given the aforesaid facts and circumstances of the case and the reply of Petitioner as it stands, the right of Petitioner stands reserved to submit a detailed reply to the charge-sheet, if it has not been submitted by now, within a period of 15 days from today. If required, additional reply may also be submitted by Petitioner. The Disciplinary Authority in turn shall duly consider the reply to the charge-sheet and based on the contents of the reply to the charge-sheet, appropriate decision shall be taken whether to proceed with the disciplinary proceeding or not.

8. With the aforesaid observations, the Writ Petition stands disposed of.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE