

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (SERVICE) NO. 3319 OF 2021**

- P.N. Sinha, S/o Late Shri R.B. Sinha, aged about 59 years, presently posted as Principal Class-II at Government ITI Bastar, District Bastar (CG). R/o Vinayak Chowk, Vikash Vihar, Raipura, Raipur, District Raipur (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Skill Development and Technical Education and Employment Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur (CG)
2. Chhattisgarh Lok Ayog, a Statutory Authority Constituted under Chhattisgarh Lok Ayog Adhiniyam through its Secretary, Gandhi Chowk, near Kali Badi, Raipur, District Raipur (CG)

... Respondents

For Petitioner	:	Mr. Syed Majid Ali, Advocate.
For Respondent/State	:	Ms. Sunita Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****06/07/2021**

1. The present Writ Petition has been filed by Petitioner seeking for the following relief:-

“10.1 This Hon'ble Court may kindly be pleased to summon the entire record of Case No.43/2014 from the Lok Ayog.

10.2 This Hon'ble Court may be pleased to issue appropriate writ, order, direction quashing/setting aside the entire proceeding in Case No.43/2014 registered at Chhattisgarh Lok Ayog, Raipur, specific quashment is sought for order dated 10.09.2014 (Annexure P/2).

10.3 This Hon'ble Court may be pleased to quash any enquiry based on nore sheet of Chhattisgarh Lok Ayog dated 10.09.2014 (Annexure P/2).

10.4 That the Hon'ble Court further pleased to grant such other relief(s) as may be deemed fit and proper in the interest of justice.”

2. Petitioner in the instant case has been issued with a charge-sheet dated 18.3.2016 to which he has submitted a detailed reply and the proceeding has

been going on before the Department when the present Writ Petition has now been filed on 21.6.2021.

3. Plain reading of the relief clause narrated in the preceding paragraph would show that the Petitioner has intended to challenge the Order of the Chhattisgarh Lok Ayog, dated 10.9.2014, in Case No.43/2014 and also the enquiry proceeding based on the said note-sheet *that is* the proceeding contemplated pursuant to the charge-sheet dated 18.3.2016.

4. At this juncture, it is relevant to take note of the fact that against the charge-sheet dated 18.3.2016, the Petitioner had earlier filed a Writ Petition i.e. WPS No.1357/2019 before this Court and this Court had shown its reluctance in entertaining the said Writ Petition at the stage of charge-sheet and had made the following two observations vide its Order dated 27.2.2019:-

“12. This aspect can also be looked into by the disciplinary authority on the petitioner submitting a detailed reply to the charge sheet. This Court therefore is reluctant to entertain the petition at this juncture.

13. Given the entire facts and circumstances of the case, this petition stands rejected reserving the right of the petitioner to participate before the disciplinary authority and prove his innocence. The department also is expected to take a prudent stand particularly in the light of the corrigendum which have been issued vide note sheets of the higher authorities relaxing the eligibility conditions, and decision of this court in the bunch of writ petitions leading being WPS No.4805 of 2015 and other analogous writ petitions decided on 09.10.2017.”

5. Plain perusal of the aforementioned operative part of the Order of this Court would clearly show that this Court had not interfered with the decision of the Respondents in proceeding with the disciplinary proceeding against the Petitioner. Petitioner was granted the liberty to participate in the disciplinary proceeding to prove his innocence and the decision of the outcome of the disciplinary proceeding would be subject to challenge if the Petitioner is aggrieved of the decision.

6. Given the fact that this Court had already taken the aforesaid view in the disciplinary proceeding arising out of the same charge-sheet dated 18.3.2016, the subsequent Writ Petition seeking for quashment of the disciplinary proceeding therefore would not be sustainable.

7. Coming to the question of quashment of the Order dated 10.9.2014 (Annexure P-2) of the Chhattisgarh Lok Ayog passed in Case No.43/2014, it would also be relevant at this juncture to say that another aggrieved person from the same proceeding on an earlier occasion had preferred a Writ Petition i.e. WPS No.4191/2020 titled as "Akhtar Abbas Vs. Chhattisgarh Lok Ayog & Another". The coordinate Bench of this Court vide its Order dated 20.10.2020 after considering the entire facts and circumstances of the case and the contentions of the parties had dismissed the said Writ Petition and held as follows in the operative part of the order:-

"9. In view of the aforesaid finding, it appears that the proceeding before the Lok Aayog in Case No.43/2014 cannot be quashed. It is expected that the Lok Aayog would conduct and conclude the proceeding as early as possible.

10. The petition sans merit, deserves to be and is accordingly dismissed."

8. In the teeth of the aforesaid Order of the coordinate Bench passed in WPS No.4191/2020, the Relief No. 10.2 seeking for quashment of the proceeding again would not be sustainable.

9. At this juncture, learned Counsel for Petitioner submits that though there is no Writ Appeal preferred against the Order dated 27.2.2019 passed by this Court in WPS No.1357/2019 where the challenge to the charge-sheet was made, however, as regards the Order dated 20.10.2020 passed by the coordinate Bench in WPS No.4191/2020 there is already an appeal i.e. WA No.427/2020 which is still pending consideration before the Division Bench of this High Court.

10. Learned Counsel for Petitioner as his contention highlights on the judgment of this Court passed in WPS No.4810/2015 wherein another order of

the Chhattisgarh Lok Ayog was subjected to challenge. Since that was in respect of an altogether different case and in the instant matter for the same case there is already a view of the coordinate Bench, it would be the view in the same case that would prevail as on date. Still a different view has been taken by the Division Bench.

11. Given the facts, reserving the right of Petitioner to avail appropriate remedies available to him after the decision of the Division Bench in WA No.427/2020, the present Writ Petition at the present stage in its present form *sans* merit and the same deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
JUDGE

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