

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WA No. 180 of 2021**

(Arising out of the order dated 15.6.2021 passed in WP(S)
No.2634/2021)

- 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)

---- Respondent

For Appellant
For Respondent

Mr. Tanmay Thomas, Advocate
Mr. Arijit Tiwari, Panel Lawyer

Proceedings through Video Conferencing**DB.: Hon'ble Mr. Prashant Kumar Mishra, Ag. C.J &****Hon'ble Mrs. Rajani Dubey, J.****Order on Board by Prashant Kumar Mishra, Ag. C.J.****8/7/2021**

1. Heard.
2. The petitioner/appellant would call in question the charge sheet dated 27.3.2021 issued by the Superintendent of Police,

Rajnandgaon. It was contended before the writ Court as well as in this appeal that in a previously constituted enquiry passed on the same set of facts, enquiry was at the fag end but the same was stayed by the High Court in WP(S) No.5967/2019, however, consequently, the Disciplinary Authority dropped the proceedings and directed for *de novo* enquiry, which was not permissible in law.

3. The learned Single Judge has found that there being no final order in the disciplinary proceedings, the Disciplinary Authority was well within its power to quash/drop the entire proceedings and direct *de novo* enquiry.
4. In our considered view, learned Single Judge has not travelled beyond the settled principles of law while dismissing the writ petition. The first enquiry having never been concluded and there being no order either in favour of the petitioner/appellant or against him at the conclusion of the proceedings albeit the order was for dropping the enquiry to hold the disciplinary enquiry afresh, no prejudice was caused to the appellant. Even otherwise, the charge sheet cannot be quashed at the threshold.
5. The writ appeal is devoid of any substance and it is accordingly dismissed.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(Rajani Dubey)
Judge