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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3984 of 2021

Yatendra Dewangan S/o Late Shri Gajanand Dewangan Aged About 50
Years R/o Bhagatsingh Ward, Bhansingh Gali, Patharaguda, Jagdalpur
District Baster Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Home,
Ministry, Mahanadi Bhawan, Atal Nagar, Nava Raipur Chhattisgarh
2. Director General Of Police Police Head Quarter, Atal Nagar, Naya Raipur,
District Raipur Chhattisgarh
3. Superintendent Of Police Baster, District Baster Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Manohar Dewangan, Advocate.
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For State	:	Mr. Ishan Verma, PL
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Hon'ble Shri Justice P. Sam Koshy
Order on Board

05/08/2021

1. The present writ petition has been filed by the petitioner for quashing of
the departmental proceedings in the light of a criminal case which has
been instituted for the same cause of action.
2. Perusal of the pleadings would reveal that petitioner in the present writ
petition has been working on the post of Assistant Sub Inspector posted at
Lohandiguda, District Bastar. On 21.08.2020 an FIR was lodged at police
Station in Jagdalpur for the offence punishable under Section 421, 120B,
467, 468 & 471 of IPC. The allegation against the accused person in the
FIR is that of illegally collecting huge amount of money from the poor

villagers in the garb of getting them employed in the NMDC, Nagarnaar, District Jagdalpur. The petitioner herein is said to be a close acquaintance of the accused person in the said case. Subsequently, a charge sheet has been issued to the petitioner on 03.12.2020 for allegedly committing misconduct under the Chhattisgarh Police Regulation Clause 64(2) & (3). It is this charge sheet and departmental enquiry which has been initiated which is subjected to challenge in the present writ petition.

3. Contention of the petitioner is that the evidence led in the departmental enquiry would have an adverse bearing in the criminal case, therefore, the departmental enquiry as of now should be either quashed or deferred. The further contention of the petitioner is that most of the witnesses in the departmental enquiry and in the FIR seems to be the same. However, perusal of the pleadings would reveal that petitioner is not an accused in the FIR even when the charge sheet in the criminal case has been filed. The petitioner has not been made as an accused. Moreover, the reading of the charges and the charge sheet would show that allegation against the petitioner is not that of committing act which is alleged in the FIR. The allegations against the petitioner would be that of violating the police Regulations.
4. Given the said fact that petitioner is not an accused in the criminal case and also taking note of the fact that allegation against the petitioner in the charge sheet is not of the charge which is levelled against the accused in the FIR, the petitioner cannot be granted benefit of judgment of Supreme Court rendered in the case of **Stanzen Toyotetsu India Private Limited Vs. Girish V. & Others, (2014) 3 SCC 636** or that which has been enumerated in the case of **State Bank of India & Ors. Vs. Neelam Nag & Others (2016) 9 SCC 491**. The petitioner would have all the liberty of

adducing of defence that he has in his possession in the course of departmental enquiry to be initiated by the Disciplinary Authority and Disciplinary Authority is expected to take a decision only after appropriate appreciation of the evidence collected in the course of enquiry against the petitioner.

5. With the aforesaid observation, the writ petition fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Rohit