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HIGH COURT OF CHHATTISGARH, BILASPUR

CONT. CASE (C) No. 590 of 2021

- Akhtar Abbas S/o Late Sayed Mazhar Abbas Aged About 57 Years Posted As Principal Class -II Industrial Training Institute, Korba, District Korba Chhattisgarh. **---- Applicant/Petitioner**

Versus

1. Dilip Wasnikar Commissioner Departmental Inquiry Chhattisgarh Raipur, Mantralaya, Nawa Raipur, Atal Nagar, Raipur, Chhattisgarh.
2. Abhishek Awasthi S/o Late Shree Gyan Awasthi Aged About 45 Years Posted As Head Of Department Govt. Girls Polytechnic, Bilaspur District Bilaspur Chhattisgarh. **---- Respondents/Contemnors**

For Petitioner: : Shri Uttam Pandey, Advocate

Hon'ble Shri Justice Sanjay S. Agrawal
Order on board

07.09.2021

1. The petitioner has filed this petition praying for initiation of the contempt proceedings against the respondents for filing the false affidavit in the return submitted to the petition filed by the petitioner which was registered as WPS No.539/2020.
2. Learned counsel for the Petitioner submits that the petitioner has filed the petition being WPS No.539/2020 against the initiation of Departmental Enquiry against him and others in connection with the alleged irregularities, said to have been committed by the petitioner and others, in appointing various persons as Training Officers in different I.T.Is. According to the petitioner, the Respondent has submitted its return in his petition on 14.07.2020, wherein it has been stated that the documents sought by him were supplied although the said fact was denied further in his rejoinder that the copy of statement of witnesses has not been supplied to him despite repeated demands being made in this regard, yet the alleged affidavit annexed with the said return has not been withdrawn. The Respondent No.2, thus, has submitted a false affidavit, and therefore,

liable to be punished.

3. It is contended further that the fact of filing of false affidavit was brought to the notice of Respondent No.1 on 27.11.2020 as during the course of enquiry, i.e., on 11.11.2020, it was instructed by Respondent No.1 that the documents be provided to the petitioner from the Administrative Department. It is, therefore, submitted that by 11.11.2020, no documents were supplied to the petitioner, and therefore, the contents as made in the return filed on 14.07.2020 supported by an affidavit are apparently a false one, and therefore, for filing of false affidavit as such, it has been prayed for initiation of contempt proceedings against the Respondents.
4. I have heard learned counsel for the petitioner and perused the petition and the papers annexed with it carefully.
5. From perusal of the papers annexed with this petition, it appears that a complaint was made before the Chhattisgarh Lok Ayog with regard to the irregularities committed in the appointment/recruitment of 723 Training Officers for different ITI's in the State of Chhattisgarh and based upon it, a case was registered as Case No.43/2014 by the Lok Ayog and on the basis of the Enquiry Report presented on 10.09.2014, a Departmental Enquiry has been initiated against the petitioner and others in exercise of the powers conferred under Rule 14 (5) (b) of Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 wherein, Commissioner Raipur has been appointed as the Enquiry Officer while one Shri Avinash Patil, Principal Class-2 Government Industrial Training Institute Tedesara, District Rajnandgaon has been appointed as Presenting Officer. It appears further that when the documents with regard to the statement of the witnesses were not provided, a petition was filed by the petitioner being

WPS No.539/2020, wherein the main relief sought by him at para 10.2 was as under:-

“10.2. That, after perusal of record further be pleased to direct the respondent (a) to supply the copy of statement of witnesses (b) to supply the daily report of proceedings and (c) to conduct joint/common enquiry against the 22 delinquent employees and not to split the enquiry in connection with these employees by commanding and by issuing a writ of mandamus, in the ends of justice.”

6. Since the documents with regard to the statement of the witnesses were not provided, the said petition was filed while seeking the aforesaid relief and while opposing the said petition, it was stated by the Respondents in their return filed on 14.07.2020 that the copy of the statements of the prosecution witnesses have been provided. Although it was denied by the Applicant, but the said issue is to be considered in the said petition, i.e., being W.P.S. No.539/2020. Therefore, at this stage, it is difficult to accept that the false affidavit has been submitted by Respondent No.2 so as to initiate the contempt proceedings against the Respondents, as alleged herein. The petition is accordingly dismissed.

No order as to costs.

Sd/-
(Sanjay S. Agrawal)
JUDGE

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CONT No. 590 of 2021

Akhtar Abbas **Versus** Dilip Wasnikar

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07.09.2021	Shri Uttam Pandey, counsel for the petitioner. Heard finally. Order passed separately, signed and dated. Sd/- (Sanjay S. Agrawal) Judge