

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5287 of 2021**

1. Chintaram Sahu S/o Late Mahesh Ram Sahu Aged About 46 Years Working As Data Entry Operator (Under Suspension), Chhattisgarh Textbook Corporation, Pension Bada, Raipur, District Raipur, Chhattisgarh

---- Petitioner**Versus**

1. Chhattisgarh Textbook Corporation Through Its Managing Director, Pension Bada, Raipur, District Raipur, Chhattisgarh,
2. Managing Director, Chhattisgarh Textbook Corporation, Pension Bada, Raipur, District Raipur, Chhattisgarh,
3. Senior Manager (Finance), Chhattisgarh Textbook Corporation, Pension Bada, Raipur, District Raipur, Chhattisgarh,

---- Respondents

For Petitioner	:	Mr. A.V. Shridhar, Advocate.
For Respondents	:	Mr. Arjit Tiwari, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****24.09.2021**

1. The present writ petition has been filed aggrieved of the show-cause notice dated 08.09.2021 and charge-sheet dated 09.06.2020.
2. The grievance of the petitioner primarily seems to be the issuance of the show-cause notice dated 08.09.2021 whereby the respondents on the conclusion of the departmental enquiry, have issued the second show-cause notice to the petitioner. The challenge to the said show-cause notice is on the ground that; firstly it has been issued by the Enquiry Officer who is otherwise not the Competent and proper Authority who can issue the show-cause notice as it would reflect the

bias on the part of the Enquiry Officer. Secondly, the second show-cause notice reflects a punishment also which in other word means that the authorities have been predetermined, even at the time of issuance of the show-cause notice.

3. This Court in the past in a series of decisions have taken a view that the High Court in exercise of its writ jurisdiction would not substitute itself as another administrative agency or body of the respondents to threadbare go into the charge-sheet, allegation and the evidence which have come in the departmental enquiry and to reach to a particular conclusion. The only scope of interference permissible for the Writ Court in a disciplinary proceeding would be only after the Disciplinary Authority takes a final decision on the departmental enquiry. That on the said finding of the Disciplinary Authority also the scope of interference is to the extent of determining whether the punishment imposed is vitiated with perversity or is a finding arrived at contrary to the evidence which was on record in the course of enquiry. The interference also would be permissible in the event of the order of punishment being issued by an Authority, not otherwise authorized or competent to issue the same or in excess of his jurisdiction.
4. The present writ petition has been filed assailing the second show-cause notice after an enquiry has already been conducted. As regards the contention that the show-cause notice has been issued other than the Disciplinary Authority who otherwise does not have the power and also the contention of the petitioner that the delegation of power is also not permissible in the given fact. This Court is of the firm view that

merely because the show-cause notice has been signed by an Authority other than the disciplinary Authority would not vitiate the show-cause notice proceedings. Particularly, in the instant case, when the show-cause notice has been issued at the instance of the disciplinary Authority which shows that it had been issued with full knowledge, approval and sanction of the disciplinary Authority. Thus only because, it has been signed by any other Authority subordinate to the disciplinary Authority would not vitiate the show-cause notice.

5. As regards the challenge to the charge-sheet is concerned, this Court is of the opinion that since the charge-sheet under challenge is one which was issued on 09.06.2020 i.e. more than 15 months back and by efflux of time, since the entire departmental enquiry has already been concluded and even the enquiry report has also been submitted by the Enquiry Officer, at this stage it would not be proper for the Writ Court to subject the disciplinary proceedings to judicial review exercising its writ jurisdiction. The writ petition thus on both the counts deserve to be and is accordingly rejected.
6. It goes without saying that in the event if the petitioner submits his submission to the second show-cause notice to the authorities concerned, the disciplinary authority would take into consideration the reply to the show-cause notice while taking a final decision.
7. The writ petition accordingly stands disposed of.

Sd/-

P. Sam Koshy
Judge

J/-