

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5444 of 2021

Vijay Babu Dwivedi S/o Late Shri Dharamdash Dwivedi, Aged About 59 Years R/o M.I.G. Q.No. 05, Junior Keshar Awas, Near Aryan School Rajkishore Nagar, Police Station Sarkanda, District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh
2. Engineer-In-Chief Public Works Department, North Block, Sector-19, Construction Building, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh
3. Chief Engineer Public Works Department, Zone- Bilaspur, District Bilaspur Chhattisgarh
4. Superintendent Engineer Public Works Department, Circle- Bilaspur, District Bilaspur Chhattisgarh
5. Executive Engineer (B/r) Public Works Department, Sub Division No. 2, Bilaspur, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. S. P. Kale, Advocate.
For State	:	Ms. Abhyunnati Singh, PL

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/10/2021

1. Aggrieved by the impugned order Annexure P-1 dated 06.09.2021, the present writ petition has been filed.
2. Vide the said impugned order the claim of the petitioner for providing of legal assistance in the course of Departmental Enquiry has been rejected by the Enquiry Officer.
3. Counsel for the petitioner submits that the impugned order has been passed by an incompetent Officer, inasmuch as it is only a Disciplinary Authority, who could not decide, whether the petitioner is entitled for legal assistance to defend himself in the departmental enquiry.

4. Perusal of the pleadings would show that the petitioner himself had moved an application before the Enquiry Officer seeking legal assistance along with the consent of the legal Advisor. Since the application which was submitted to the Enquiry Officer has already been decided by the Enquiry Officer, the order of the Enquiry Officer cannot be said to be bad.
5. Given the facts and circumstances of the case, particularly the fact that the petitioner has not made an application to the Disciplinary Authority for the said relief that he is seeking in this writ petition, the present writ petition as of now stands disposed of permitting the petitioner to appear before the disciplinary Authority for moving an appropriate application. In case such an application being made, the same shall be decided on its own merits in accordance with Rules and Regulations governing the field by the disciplinary Authority.
6. With the aforesaid observation, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit