

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 458 of 2020

(Arising out of order dated 02.11.2020 passed by the learned Single Judge in WPS No. 3969 of 2020)

- Chitresh Prasad Maitry S/o Shri D.P. Maitry Aged About 40 Years R/o Thakurpali, Post Churaghantha, Police Station And Tahsil Dabhra, District Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. Union Of India Through The Secretary, Home Department , Vallabh Bhawan, New Delhi.
2. Senior Divisional Security Commissioner / R.P.F. , S.E.C. Railway , Bilaspur Chhattisgarh.
3. Inspector R.P.F. , Post Bilaspur Cum Enquiry Officer, R.P.F. Post Railway Station , Bilaspur , District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. T. K. Tiwari, Advocate
For Respondent/Union of India	:	Mr. Ramakant Mishra, Assistant Solicitor General.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per, P. R. Ramachandra Menon, Chief Justice

25.01.2021

1. The challenge is against the order dated 02.11.2020 passed by the learned Single Judge declining the interim relief with regard to the prayer for staying the disciplinary proceedings with reference to the initiation of the criminal proceedings in respect of the alleged offence against the Appellant/Petitioner.
2. The learned counsel for the Petitioner submits that the contention of the Petitioner is that prejudice will be caused to him because of the simultaneous proceedings under the criminal laws as well as by way of the departmental proceedings; which has not been properly appreciated by the learned Single Judge and hence the challenge. The prayer in the writ petition is to the following effect:

“ 10.1 That, this Hon'ble Court may kindly be pleased to issue a writ of mandamus commanding the respondent No. 2 and 3 as to stay the departmental enquiry based on the charge sheet (Annexure P-1) because the charge sheet has been issued on the basis of same set of facts and evidence relating to the criminal charges FIR bearing No. 06/2020 registered at RPF Post Manendragarh against the petitioner and others.

10.2 That, any other relief which this Hon'ble Court deems fit and proper be awarded in favour of the petitioner.

10.3 Cost of the petition”

3. The interim relief sought for was in the following terms:

“ It is therefore, prayed that the Hon'ble Court be pleased to allow this application and stay the departmental enquiry, pending before the respondent No. 3, till the final decision of the case, in the interest of justice.”

4. From the above, it is explicitly clear that the interim relief sought for (to stay the departmental enquiry) virtually amounts to the final relief. It is settled law that no final relief can be granted in the form of interim relief. We find support from the ruling rendered by the Apex Court in ***Bank of Maharashtra v. Race Shipping & Transport Co. Pvt. Limited & Another*** {(1995) 3 SCC 257}.
5. In the said circumstance, the denial to grant any interim relief to the Petitioner, which happens to be the main relief sought for in the writ petition is perfectly in order and not assailable under any circumstances.
6. There is no merit in this appeal. It stands dismissed.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge