

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 9th OF JANUARY, 2023

WRIT PETITION No. 237 of 2023

BETWEEN:-

**RAJENDRA SINGH BAGHEL S/O LATE T.P. SINGH, AGED
ABOUT 58 YEARS, OCCUPATION: SERVICE RPF SAGAR
POST DISTRICT- SAGAR, M.P. (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI AJAY PAL SINGH - ADVOCATE)

AND

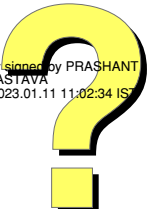
- 1. RAILWAY BOARD THROUGH SECRETARY
MINISTRY OF RAILWAYS NEW DELHI (DELHI)**
- 2. DIRECTOR GENERAL RAILWAY PROTECTION
FORCE RAIL BHAWAN, NEW DELHI (DELHI)**
- 3. CHIEF SECURITY COMMISSIONER RAILWAY
PROTECTION FORCE JABALPUR (MADHYA
PRADESH)**
- 4. SENIOR DIVISIONAL SECURITY COMMISSIONER
WEST CENTRAL RAILWAY JABALPUR (MADHYA
PRADESH)**

.....RESPONDENTS

(BY SHRI PUSHPENDRA YADAV - DEPUTY SOLICITOR GENERAL)

*This petition coming on for admission this day, the court passed the
following:*

ORDER



The present petition is preferred by the petitioner seeking quashment of order dated 25.11.2022 (Annexure P/6) whereby the competent authority has issued show cause notice to the petitioner placing the enquiry report for his perusal to respond to it for further consequential steps.

Precisely stated facts of the case are that the petitioner was appointed on the post of Constable in the year 1957 and promoted on the post of Head Constable in the year 2011. It appears that because of some complaint, as per the submissions of petitioner, a secret enquiry was initiated against him and he was asked to appear on 12.10.2021. However, the said date was cancelled on 11.10.2021. In response to said proceedings, the petitioner submitted a representation against alleged arbitrary exercise of power by respondent nos.3 and 4.

Meanwhile, it appears that one petition was preferred by the petitioner vide W.P. No.23991/2021. The petitioner raised a point that alleged enquiry has been purportedly cancelled. Therefore, the petition was disposed of with a direction that if any enquiry is to be conducted and the presence of petitioner is required then an elaborate notice mentioning the reason of enquiry and the purpose for which enquiry is being conducted shall be indicated in the notice.

Thereafter, charge-sheet was issued and a departmental enquiry was conducted. After completion of departmental enquiry, impugned show cause notice dated 25.11.2022 has been issued. Therefore, the petitioner is before this court.

It is the submission of learned counsel for the petitioner that the petitioner preferred a representation against the secret enquiry being conducted by the respondents against him. The same is pending consideration. Therefore, appropriate directions be given for consideration of representation, so

preferred.

Learned counsel for the respondents opposed the prayer and submits that no secret enquiry is being conducted against him. Full-fledged departmental enquiry was conducted, in which the petitioner participated and raised his defence. Now, impugned show cause notice is given to him while placing the enquiry report for his perusal to respond to it. He prayed for dismissal of petition.

Heard.

This is a case where petitioner, under the apprehension of secret enquiry, raised the point regarding consideration of representation.

Learned counsel for the respondents specifically submits that full-fledged departmental enquiry is being conducted and no secret enquiry has been undertaken or is under contemplation and the petitioner has to respond to the show cause notice issued vide notice dated 25.1.2022.

Therefore, this petition is disposed of with a direction to the petitioner to respond to the impugned show cause notice in accordance with law at the earliest and on his response being received, the respondents shall proceed in accordance with law and take an appropriate decision on its own merits.

The petition stands disposed of accordingly.

ANAND PATHAK)
JUDGE

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