

(2019) 10 CHH CK 0225

Chhattisgarh High Court

Case No: Writ Petition (S) No. 8826 Of 2019

Santosh Ratre

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Oct. 24, 2019

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: Abhishek Pandey, Avinash Singh

Final Decision: Disposed Of

Judgement

Goutam Bhaduri, J

1. Heard.

2. Learned counsel for the petitioner would submit that pursuant to a complaint made on 24.09.2017, the petitioner was charge-sheeted and in the

initial charge-sheet, the name of 23 witnesses were recorded. While in the departmental enquiry statements were recorded on 16.04.2019 &

20.05.2019, wherein one Rubin Kumar had also made a complaint other than the lady who initially made the complaint, who is said to be the husband

of lady. It is stated that in such complaint other 8 witnesses statements were recorded behind the back of the petitioner, therefore, there is violation of

rules of natural justice and the petitioner was not allowed to cross-examine the witnesses. He would further submit that the grievance of the petitioner

has not been considered. It is further contended that the respondent who has conducted the enquiry is biased as it would be evident that in the enquiry

report the statements of 7 witnesses have been reported leaving apart the other witnesses who have deposed, therefore, there cannot be pick &

choose method to substantiate arbitrariness.

3. Considering the fact that the enquiry report has not yet been accepted yet by the Disciplinary Authority, the petitioner would be at liberty to make a detailed representation before the respondent No.4, who is the disciplinary authority of the petitioner and the petitioner would be at liberty to raise all the grounds which are raised here before this Court. It is expected that the respondent No.4 shall deal the grievance without any prejudice to advance the cause of justice. At this stage any finding by this Court would be premature and may affect the independent finding of the disciplinary authority.

4. With the aforesaid observation, the writ petition stands disposed of.