
(2018) 09 CHH CK 0167

Chhattisgarh High Court

Case No: Writ Petition (S) No. 5933 Of 2018

Kamini Dubey And Ors

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Sept. 11, 2018

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Goutam Khetrapal, Sunita Jain, Jitendra Shrivastava

Final Decision: Disposed Of

Judgement

P. Sam Koshy, J

1. The grievance of the petitioners is that though the respondent No.3 has initiated a disciplinary proceeding against the petitioners so far as their

original order of appointment is concerned, which according to the respondent No.3 was obtained by playing fraud.

2. The only prayer of the petitioners is that while replying to the show cause notice, the petitioners had sought for certain documents, which till date has been denied by the respondent No.3.

3. According to the petitioners, Annexure P/3 dated 09.08.2017 has now been issued calling for a personal hearing before providing those documents, particularly when they would be using these very documents against the petitioners.

4. This Court is not inclined to substitute itself as a Disciplinary authority or for that matter as an inquiry officer. However it is observed that once when the respondents have initiated disciplinary action against the petitioners, it is expected that they shall follow the principles of fair play and

reasonableness i.e. reasonable opportunity of defense would be given to the petitioners to defend their case.

5. In case if the respondents are relying upon certain documents which they have collected against the petitioners and are being relied upon, in the disciplinary proceedings, the said documents are supposed to be provided to the petitioners.

6. The petitioners are also required to cooperate in the disciplinary proceedings at the same time the respondents also would ensure that necessary and relevant documents, which are being relied upon by the respondents against the petitioners is made available to the petitioners during the enquiry.

7. With the aforesaid observation, the writ petition stands disposed off.