

(2018) 09 CHH CK 0232

Chhattisgarh High Court

Case No: Writ Petition (S) No. 6005 Of 2018

Pekhan Lal Chandrakar

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Sept. 13, 2018

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Kapil Maini, RN Pusty, Jitendra Shrivastava

Final Decision: Disposed Of

Judgement

P. Sam Koshy, J

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

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

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

3. According to the petitioner, notice dated 02.08.2018 has been issued calling for a personal hearing before providing those documents, particularly when they would be using these very documents against the petitioner.

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 petitioner, 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 petitioner to defend his case.

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

6. The petitioner is also required to participate 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 petitioner is made available to the petitioner during the enquiry.

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