

(2011) 12 MP CK 0004

Madhya Pradesh High Court

Case No: Writ Petition No. 18510 of 2011 (S)

Ganesh Prasad Tiwari

APPELLANT

Vs

State of M.P. and
Others

RESPONDENT

Date of Decision: Dec. 1, 2011

Hon'ble Judges: R.S. Jha, J

Bench: Single Bench

Advocate: Mahendra Patariya, for the Appellant;

Final Decision: Dismissed

Judgement

R.S. Jha, Judge

1. Heard Shri Mahendra Patariya, learned counsel for the petitioner, on the question of admission and interim relief. The petitioner has filed this petition being aggrieved by order dated 30.7.2010 issued by the respondent No. 2 as well as the order dated 7.9.2011 by which a charge sheet has been issued to the petitioner by the respondent No. 4.

2. It is submitted by the learned counsel for the petitioner that the impugned disciplinary proceedings have been initiated against the petitioner on account of a direction issued by the Human Rights Commission which is not permissible in law.

3. Having heard the learned counsel for the petitioner and having perused the documents filed by the petitioner specifically the charge sheet issued to him on 7.9.2011, it is clear that the charges levelled against the petitioner relate to acceptance of bribe from certain individuals and does not relate to violation of human rights as alleged by the petitioner. In the circumstances the contention of the petitioner to the effect that the charge sheet has been issued under direction of the Human Rights Commission appears to be misconceived. That apart, as has been held by the Supreme Court in the case of [Union of India \(UOI\) and Another Vs. Kunisetty Satyanarayana](#), and [Dy. Inspector General of Police Vs. K.S. Swaminathan](#), ,

the issuance of a charge sheet and the veracity of charges cannot be examined or gone into by this Court at this stage and as the issuance of a charge sheet does not give rise to any cause of action to the petitioner, I do not find any merit in the submission of the learned counsel for the petitioner.

4. The learned counsel for the petitioner also submits that the petitioner is an Assistant Sub Inspector and, therefore, the DIG alone is competent to issue a charge sheet to the petitioner. However, no provision to that effect has been placed before this Court to indicate incompetence of the Superintendent of Police to issue a charge sheet to the petitioner. In the circumstances, I do not find any merit in the petition which is, accordingly, dismissed.

5. It needs not emphasis to state that the petitioner would be at liberty to take up all possible defence before the Inquiry Officer in the departmental enquiry initiated against him. With the aforesaid observation, the petition filed by the petitioner stands dismissed.