

(2012) 02 MP CK 0079
Madhya Pradesh High Court
Case No: Writ Appeal No. 145 of 2011

Soneram Singh Chandravanshi

APPELLANT

Vs

State of Madhya Pradesh and
others

RESPONDENT

Date of Decision: Feb. 17, 2012

Hon'ble Judges: Sujoy Paul, J; Sheel Nagu, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

1. In this writ appeal the appellant has challenged the order passed by the writ Court in Writ Petition No.3076/2010 and also the order passed in Review Petition No.22/2011.

2. Learned counsel for the appellant has raised a singular contention that after providing him copy of the enquiry report, sufficient opportunity to file his representation against the said report was not given.

3. We have heard learned counsel for the appellant at length.

4. The order Annexure P/3 passed by the disciplinary authority shows that the findings of enquiry officer were provided to the appellant by communication dated 15.10.2009. The appellant on his own appeared in the office of disciplinary authority on 23.10.2009 and prayed for eight days" time to file representation against the report of enquiry officer. The said authority granted him eight days" time. However, the appellant did not file the said representation till 30.11.2009. On 30.11.2009 the disciplinary authority inflicted the punishment.

5. Although Shri Bararu submits that the appellant was suffering from some ailment and was admitted in Delhi, the pleadings in this regard in the review petition show that the appellant was operated in August, 2008 and thereafter Annexure P/3 aforesaid shows that he himself appeared before the disciplinary authority and prayed for only eight days" time. There is no material on record to show that after

taking eight days" time on 23.10.2009 the appellant had any handicap or ailment. Thus, we are unable to hold that reasonable and adequate opportunity of defence is denied to the appellant. The judicial review in disciplinary proceedings is confined to the decision making process and not to the decision ultimately taken. The writ Court dealt with the matter in extenso and found that it is not established that decision making process is vitiated.

6. In this view of the matter, we find no error in the order passed by the writ Court. Consequently, writ appeal is dismissed. No costs.