

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 77 of 2021

1. Smt. Nilandri Sahu W/o Shri Maan Govind Sahu Aged About 39 Years Presently Posted as Sub Engineer, Public Works Department, Sub Division Raigarh, District Raigarh Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Public Works Department Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur Chhattisgarh.
2. Engineer In Chief Public Works Department, Raipur, District Raipur Chhattisgarh.

---Respondents

For Petitioner	:	Shri Mazid Ali, Advocate.
For State	:	Shri Rahul Jha, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29.01.2021

1. The grievance of the petitioner in the present writ petition is the disciplinary proceedings which have been initiated against the petitioner.
2. The petitioner in the present writ petition is working on the post of Sub Engineer under the respondents. The petitioner was initially placed under suspension vide order 25.01.2014 which however subsequently stands revoked on 13.12.2016. The petitioner was thereafter served with a charge sheet and subjected to disciplinary proceedings inspite of detailed reply that the petitioner has submitted to the charge sheet.
3. The grievance of the petitioner now is that though the department has decided to conduct departmental enquiry, however, the Enquiry Officer as also the Presenting Officer have been appointed by designation. It has no individual or a specific person nominated or appointed to act as an Enquiry Officer so also as Presenting Officer. Further contention of the petitioner is that the Enquiry proceedings are also being conducted at

Bilaspur and every time the petitioner has to travel from Raigarh to Bilaspur and invariably the matter gets adjourned on trivial grounds. The petitioner makes a request that let the authority take steps in ensuring that the Enquiry Officer as well as the Presenting Officer are appointed by a specific name and further that the Enquiry Officer be directed to conclude the enquiry at the earliest. So far as the petitioner is concerned, the counsel for the petitioner submits that she is ready to co-operate for an early conclusion of the departmental enquiry.

4. Both these limited prayer that the petitioner has made, has not been strongly opposed by the State counsel. The counsel for the State however submits that the Enquiry Officer and the Presenting Officer have been appointed by designation so as to avoid further complication which may arise on an Officer getting transferred/retired or the post falling vacant. Since it is by designation, whoever the next incumbent would automatically assume the role of Enquiry Officer and the Presenting Officer.
5. This contention of the counsel for the State may not be justifiable for the reason that the petitioner, the delinquent, must know who the Enquiry Officer is and also know who the Presenting Officer is because there may be a case where if a person nominated as an Enquiry Officer has a personal grudge, the petitioner may move an appropriate application to the authorities alleging bias and seeking for a request of change of Enquiry Officer so also in case of Presenting Officer.
6. Given the said facts, the writ petition at this juncture stands disposed of directing the respondent No.1 to take necessary steps in ensuring that the Enquiry Officer and also the Presenting Officer by name be specifically appointed/nominated for the said enquiry and a copy should be issued in advance to the petitioner in this regard. It is further directed that the

Enquiry Officer as also the Presenting Officer should take all necessary steps in ensuring that the enquiry is finalized at the earliest preferably within a period of 90 days after the issuance of formal order of appointment/ nomination the Enquiry Officer and the Presenting Officer by name. The petitioner also is directed to ensure that full cooperation is rendered for an early conclusion of the enquiry. Early conclusion of enquiry is all the more required for the reason that charge sheet in the instant case has been issued more than six year back. Meanwhile the petitioner would be at liberty of showing the order of this Court in case the date of enquiry is fixed in between.

7. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder