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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
WP No. 13740 of 2022**

(DR. RAVI SHANKAR VARMA Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 23-06-2022

Shri Sanjay Kumar Singh, learned counsel for petitioner.

Shri V. P. Tiwari, learned Govt. Advocate for respondent/State.

Petitioner has filed this petition challenging order dated 14.8.2020 contained in Annexure P/1.

Learned counsel for petitioner submitted that by impugned order decision was taken to institute Departmental Enquiry against petitioner and Inquiry Officer and Presiding Officer was also appointed. It is submitted that order dated 14.8.2020 is contrary to Rule 14 of M.P. Civil Services (Classification, Control and Appeal) Rules 1966. It is submitted that petitioner ought to have been served with charge-sheet, thereafter his reply ought to have been called and only when Inquiry Officer was dis-satisfied with his reply, he could have appointed Presiding Officer. Said procedure prescribed in Rule 14(4) of the Rules of 1966 was not followed and, therefore, order dated 14.8.2020 is bad in law.

Learned Govt. Advocate appearing for the respondent/State submitted that earlier petitioner has filed petition making a prayer to decide representation dated 23.10.2020 contained in Annexure P/2. Said petition was dismissed on the ground that charge sheet has already been filed and, therefore, writ petition has become redundant and same was dismissed. Since petitioner has prayed for deciding the representation against order dated 14.8.2020 and his petition has

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been dismissed, therefore, fresh petition filed by petitioner is barred.

Learned counsel for petitioner submitted that relief prayed by petitioner in

W.P No.10795/2022 was for deciding his representation dated 23.10.2020. He had not assailed charge-sheet in said writ petition and in present petition petitioner has made a prayer to set aside the impugned charge-sheet dated 14.8.2020. In these circumstances learned counsel for petitioner prayed for issuance of notice to respondents and interim relief be granted to petitioner.

Heard learned counsel for parties.

Petitioner has been issued charge sheet when first petition was filed by petitioner. In the representation petitioner has challenged the action of respondents for institution of Departmental Enquiry.

Since earlier petition filed by petitioner by which his representation has not been considered and decided and no challenge was made to charge-sheet in said petition, therefore, notice be issued to respondents on payment of P.F within seven days.

Notice be made returnable within four weeks.

Prayer for interim relief shall be considered after filing of reply.

(VISHAL DHAGAT)
JUDGE

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