



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPPIL No. 14 of 2024

IN THE MATTER OF SUO MOTO PUBLIC INTEREST LITIGATION

versus

THE STATE OF CHHATTISGARH

Order Sheet

05/11/2024	This is an office reference. Heard Mr. Y. S. Thakur, learned Additional Advocate General for the State as well as Ms. Priyanka Shukla, learned counsel appearing for intervenors. Mr. Thakur, learned Additional Advocate General appearing for the State submits that in compliance of the order dated 21.10.2024, an affidavit dated 04.11.2024 has been filed by Mr. Himansu Gupta, presently posted as Director General, Prisons and Correctional Services, Raipur (C.G.), which is as under:- “2. That the present suo moto Public Interest Litigation has been taken up for hearing by taking cognizance on the news item published in the newspaper namely Bilaspur Bhaskar on 18/10/2024 wherein it has been reported that "In connivance with Central Jail Police Officials, there has been illegal

activity going on in the Central Jail, Bilaspur" and taking cognizance on the said news item, by the order dated 21/10/2024, the Hon'ble Court was pleased to direct the Director General of Prison, Chhattisgarh to file his personal affidavit with respect to the aforesaid news article. Further, after going through the affidavit filed in compliance of the order dated 19/03/2024, the Hon'ble Court was also pleased to direct the Director General of Prison, Chhattisgarh to file his affidavit apprising the court about the status of the departmental enquiry initiated against the erring officials.

3 That, in compliance of the order dated 21/10/2024 passed by the Hon'ble Court, the deponent, having the highest regards and great respect for the lawful authority of this Hon'ble Court, most humbly and respectfully submits that after receipt of the order passed by this Hon'ble Court, the deponent has immediately acted upon it and in the meanwhile, a complaint making certain allegations such as demand of money, providing poor quality of food to the prisoners etc. has also been received and to find out the actual facts and to make inquiry on the allegations reported in the newspaper published on 18/10/2024 as well as in the complaint, the deponent has immediately written letters dated 22nd and 23/10/2024 to the Collector and District Magistrate, District Bilaspur for conducting the inquiry into the matter by a senior official and send a report to the deponent. Copies of the letters dated 22nd & 23/10/2024 alongwith the complaint are filed

herewith as Annexure A/1.

4. That, to enquire the matter, a 3 member inquiry committee consisting of Addl. District Magistrate, Bilaspur, Sub Divisional Magistrate, Bilaspur and City Magistrate, Bilaspur has immediately been constituted by the Collector and District Magistrate, District Bilaspur with direction to submit the report expeditiously. The Inquiry Committee, in compliance of the order of the Collector and District Magistrate, District Bilaspur, has inspected the Central Jail, Bilaspur on 24/10/2024 to conduct the inquiry. In the course of inquiry, the Inquiry Committee has conducted the inquiry on the allegations made in the complaint as well as the allegations reported in the newspaper dated 18/10/2024. The Inquiry Committee inspected the kitchen and the food such as Roti, Rice, Pulse and Vegetable has been found well cooked. The Inquiry Committee inspected the place where the food items are stored and after inspection, some food items were found in order and few were found not in order.

5. That, in further inquiry, the committee also visited and inspected the barracks and the bags of certain inmates were inspected and no objectionable articles in their possession were found by the committee. The committee has recorded the statements of convicted prisoner namely Anil Singh Rajput, the Superintendent of Jail namely Shri Khomesh Mandavi, the Chief Warder namely Alok Khare, the committee has also inspected certain records and documents pertaining to the inmates in

the course of inquiry and after going through their statements and the documents so collected in the course of inquiry, the committee has concluded that the food items so provided to the inmates are of normal quality. Some of which were purchased through National Agricultural Cooperative Marketing Federation of India Ltd (NAFED). No objectionable articles have been found in possession of the prisoners and accordingly the committee has found that the allegations made in the complaints and published in the newspapers against the Jail Authorities were not supported by evidence. However, the Committee has concluded that the food items such as Pulse (Udad Dal) was found to be adulterated and the food oil (Dalda) was kept even after its expiry date. The Committee prepared its inquiry report to the aforesaid effect and submitted the same to the Collector and District Magistrate, Bilaspur for necessary action. Copy of the inquiry report alongwith the covering letter dated 30/10/2024 is filed herewith as Annexure A/2.

6. That, the deponent respectfully submits that the inquiry report has thoroughly been considered and as per the finding recorded by the Inquiry Officer with respect to the food items, the Jail Superintendent, Central Jail, Bilaspur has been served with the show cause notice seeking explanation on 30/10/2024 with certain directions. Copy of the show cause notice dated 30/10/2024 is filed herewith as Annexure A/3. Taking cognizance on the quality of food to be provided to the jail inmates, necessary instructions

and directions have also been issued to all the Jail Authorities of the State of Chhattisgarh. To demonstrate this fact, copy of the letter dated 30/10/2024 is filed herewith as Annexure A/4. Even on earlier occasion also, the Jail Superintendent, Central Jail, Bilaspur was issued certain directions and instructions with regard to the quality of food, medicines etc. to be provided to the inmates. Copy of the letter dated 07/10/2024 is filed herewith as Annexure A/5. Further, the contract with the National Agricultural Cooperative Marketing Federation of India Ltd. (NAFED) for supply of food materials for prisoners has already been cancelled and to demonstrate this fact, copy of the communication dated 08/08/2024 is filed herewith as Annexure A/6.

7 That, as far as the status of the departmental enquiry initiated against the erring officials is concerned, in this regard, the deponent humbly submits that in the earlier affidavit filed in compliance of the order dated 19/03/2024, it was submitted that the charge-sheets have been issued to 10 Jail official and staff of Sub Jail Sarangarh seeking explaining on the charges leveled against them to which replies from 8 persons have been received. C.G.

8. It is respectfully submitted that one Mr. Sandeep Kashyap Assistant Jail Superintendent was served with the charge-sheet levelling 5 charges against him to which he submitted his reply / explanation which was duly considered and upon the same being found unsatisfactory, to conduct the departmental enquiry against Mr. Sandeep Kashyap, on 09/05/2024 the

Jail Superintendent, Central Jail Ambikapur has been appointed as Inquiry Officer and the Assistant Jail Superintendent, Sub Jail Sarangarh has been appointed as Presenting Officer. It is submitted that the Inquiry Officer, acting upon the order of the deponent, has started the inquiry and in continuation of the same, notices have been issued to all concerned to appear before the Inquiry Officer for recording their statements. On 25th and 26th of October, 2024, the Inquiry Officer has recorded statements of 2 prosecution witnesses, out of total 4 prosecution witnesses. To demonstrate this fact, copy of the communication dated 26/10/2024 alongwith the notice dated 22/10/2024 is collectively filed herewith as Annexure A/7. It is respectfully submitted that the statements of remaining witnesses would be recorded as soon as possible. The inquiry Officer has strictly been directed to complete the inquiry within 15 days so that appropriate disciplinary action against the delinquent employees can be taken as soon as possible. Copy of the letter dated 28/10/2024 is filed herewith as Annexure A/8.

9. It is respectfully submitted that the replies from all delinquent employees have been received which were duly considered and found unsatisfactory and accordingly the Inquiry Officers and the Presenting Officers both have been appointed for conducting the departmental enquiry against all the delinquent employees. The Inquiry Officers conducted the inquiry against them. It is respectfully submitted that

with respect to 3 delinquent employees namely Shri Santosh Verma Warder, Shri Mahendra Kumar Sahu Warder, Shri Tikeshwar Kumar Sahu, the departmental enquiry initiated against them, has now been completed and inquiry report has been submitted by the Inquiry Officer to the Disciplinary Authority for necessary action and the Disciplinary Authority, by complying with the principle of natural justice, has issued notices to them seeking reply / explanation on the inquiry report submitted by the Inquiry Officer. To demonstrate the above, copies of the notices are filed herewith as Annexure A/9.

10 It is respectfully submitted that with respect to other delinquent employees namely Shri Rajkumar Kurrey, Chief Warder, Shri Purushottam Pradhan Warder, Shri Manendra Verma Warder, Shri Maheshwar Hichami Warder, Shri Sunil Kumar Pandey Warder and Shri Chitrasen Chandra Warder, upon the reply being found unsatisfactory, the departmental enquiry against them has been instituted by appointing the Inquiry Officers and Presenting Officers and the same is still going on. To demonstrate this fact, copies of the orders and notices are filed herewith as Annexure A/10 collectively. Looking to the slow progress in conducting the departmental enquiry, the Inquiry Officer has strictly been directed to complete the inquiry within 15 days so that appropriate disciplinary action against the delinquent officer can be taken as soon as possible. Copy of the letter dated 28/10/2024 is filed herewith as Annexure A/11.

11. That, the deponent respectfully submits that the departmental enquiry instituted against the aforesaid delinquent officer and employees will be completed expeditiously and based upon the conclusion of the Inquiry Officer, appropriate punishment will be awarded to them. However, the deponent is ready to abide by and adhere to the direction of the Hon'ble Court.

12. That, the contents of this affidavit have been drafted according to my instructions and the contents thereof are true and correct to the best of my personal knowledge and based upon the official records.”

From perusal of the said affidavit, it transpires that so far as the illegal activities occurred in the jail concerned, a committee was constituted and enquiry is being conducted but it is stated that complete results of the departmental enquiry is still awaited. Therefore, the learned Additional Advocate General states that the matter be placed in the next date in order to enable him to place before this Court the complete results of the enquiry initiated against the delinquent Officials.

Ms. Shukla, learned counsel appearing for the intervenors states that there is a departmental enquiry initiated against the 10 delinquent Officials and in the said enquiry, the statements of the family members of prisoner namely- Dinesh Chouhan is being recorded by the Enquiry Officer with respect to the incident taken place at Sarangarh Jail. She would also submit that the Statements of the family members of Dinesh Chauhan in other pending departmental enquiry with respect to the remaining delinquent Official be

recorded at one place i.e. Bilaspur as they have to travel various places to give their statements which would cause unnecessary hardship to them.

In view of the above submission made by learned counsel appearing for the intervenors, the learned Additional Advocate General is directed to do the needful, so that no hardship would be caused to the family members of Dinish Chauhan for recording their statements.

Let the matter be listed again on **3rd of December, 2024** for further consideration on the result of the enquiry initiated against the delinquent Officials.

Sd/-
(Bibhu Datta Guru)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice