



2025:CGHC:38279-DB

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No.332 of 2021Sanjay Singh **Versus** State Of Chhattisgarh

22/03/2021	Mr. Shashank Thakur, counsel for the petitioner. Mr. Jitendra Pali, Dy. AG for the State. 1. Heard on admission. 2. The petition being arguable is admitted for hearing. 3. Issue notice to the respondent on merit as well as on IA No.1. PF and copies within 7 days. 4. Mr. Shashank Thakur, learned counsel for the petitioner, would submit that the case of the petitioner is similar to that of CRMP No.182/2021 passed by this Court on 18.02.2021 and in the said case, the petition has been admitted and interim relief has been granted. 5. Learned State counsel is not in a position to dispute the matter being similar to that of CRMP No.182/2021. 6. In CRMP No.182/2021, this Court has recorded the following submission:- “Mr. Abhishek Sinha, learned counsel for the petitioner, would submit that for the alleged misconduct in performance of duty, the petitioner has already been subjected to departmental enquiry and after conducting the departmental enquiry, he has been punished on 23.08.2019 by imposing a major penalty of reduction of one stage in pay to a lower stage in the time scale of pay for a period of one year without cumulative effect, which he has already accepted and has not challenged. On the basis of the departmental proceedings, FIR has been lodged on 19.01.2021 for the offence punishable under Section 409/34 of IPC, which is <i>ex facie</i> illegal and without authority of law. He would further submit that the Disciplinary Authority has only recorded a finding that it is a case of dereliction in performance of duty and there is no allegation of embezzlement and any other criminal act alleged against the petitioner, which is nothing but to harass the petitioner. He would rely upon the decision of the Supreme Court in the matters of S. W. Palanitkar and others vs. State of Bihar and another¹ and Jethsur Surangbhai vs State of Gujrat² and the



Nirala	decision of Bombay High Court in the matter of the State of Maharashtra vs Mohan Radhakrishna Pednekar³.” 7. Considering the submission of learned counsel for the parties and for the fact that the present case is identical to CRMP No.182/2021, in which detailed submissions were recorded, it would be expedient to direct that no further steps pursuant to the FIR shall be taken against the petitioner. 8. List the matter along with CRMP No.182/2021 in the week commencing 05.04.2021. 9. Certified copy as per rules. Sd/- (Sanjay K. Agrawal) Judge
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1 (2002) 1 SCC 241
2 (1984) Supp SCC 207
3 (1999) 2 MHLJ 459