

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 10223 of 2019

1. Philomone Toppo S/o Simon Toppo Aged About 60 Years Inspector, P.S. Lalpur, Mungeli, Presently P.S. Tendukona District- Mahasamund, District : Mahasamund, Chhattisgarh
2. D. R. Thakur S/o Shri D. D. S. Thakur Aged About 54 Years Assistant Sub-Inspector, P.S. Lalpur, Mungeli, Presently P.S. Lalpur, Bilaspur, R/o Mig C-13, Nehru Nagar District- Bilaspur, Chhattisgarh.
3. Krishna Kumar Tandon S/o Jagatram Ram Aged About 43 Years Head Constable No. 835/2, P.S. Lalpur, Mungeli, Presently At P.S. Pathariya, District- Mungeli, Chhattisgarh.
4. Kuman Singh Bhagat S/o Late Prabhu Lal Bhagat Aged About 35 Years Constable No. 76, P.S. Lalpur, Mungeli, presently at Reserved Line, Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

--- **Petitioners**

Versus

1. State of Chhattisgarh through Under Secretary, Home Ministry, Mahanadi Bhawan, Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh.
2. Director General of Police Raipur, District- Raipur, Chhattisgarh.
3. Sub Divisional Officer (Police) Lormi, District : Mungeli, Chhattisgarh
4. Superintendent of Police Mungeli, District : Mungeli, Chhattisgarh

--- **Respondents**

28.01.2020	<p>Mr. J. K. Gupta, counsel for the petitioners.</p> <p>Heard on admission as also on I.A. No.1/2020 for grant of I.R.</p> <p>Mr. Neeraj Pradhan, Panel Lawyer, for the State takes notice on behalf of the respondents and prays for time to seek instructions.</p> <p>Learned counsel for the petitioners submits that the joint departmental enquiry is being held against the the petitioners and as per Rule 18 of M.P. Civil Services (Classification Control Appeal) Rules, 1966 neither the permission of the Governor nor any other competent authority to impose the penalty of dismissal i.e., Higher Authorities of the Police Department has been obtained. Therefore, the contemplated joint enquiry is bad in law.</p> <p>On perusal of Rule 18 of the Rules, 1966, it is directed that there shall be stay of the departmental enquiry so far as the petitioners are</p>	

concerned till the next date of hearing.

List it after four weeks.

CC as per rules.

**Sd/-
(Goutam Bhaduri)
Judge**

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