

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 573 of 2015

1. Bisheshwar Soni S/o Late Nilam Soni, aged 72 years, R/o Shivpura Murum Khadan, Faridnagar, Police Station Supela, District Durg (Chhattisgarh)

---- Appellant

Versus

1. Managing Director, Bhilai Steel Plant, Iqbal Bhawan, Bhilai, District Durg (Chhattisgarh)

---- Respondent

For Appellant— Shri Malay Shrivastava, Advocate.
For Respondent – Shri R.K.Kesharwani, Advocate under the authority of Shri Sandeep Dubey, Advocate.

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board by

Pritinker Diwaker, J.

16/12/2015

1. Heard on I.A.No.1/2015, an application for condonation of delay in filing the writ appeal.
2. I.A.No.1/2015 is not opposed by the respondent.
3. For the reasons mentioned in the application, the same is allowed.
4. Delay in filing the appeal is condoned.
5. Heard on admission.
6. After a detailed departmental enquiry the appellant was punished vide order dated 23-06-1998 for reduction of pay to the minimum of lower grade for a period of two years with cumulative effect. This order was unsuccessfully challenged by the appellant before the labour court, industrial court and in W.P.No.4155/2004.
7. Learned counsel for the appellant submits that the writ court has failed to appreciate the grounds urged by the petitioner in the writ petition. He submits that the findings recorded by the enquiry officer has not been

correctly appreciated by the writ court. It has been argued that had the appellant would have involved in committing the theft of copper wire from the factory premises, in natural course FIR would have been lodged by the department, but having taking decision not to lodge FIR goes to show that there was nothing against the appellant. It has also been argued that there were no independent seizure witnesses of the theft article and therefore the very case of the department becomes doubtful.

8. Vide impugned order dated 24-12-2014 the writ court has considered all the above points which have been argued in support of the writ appeal.

9. Considering the settled position of law, scope for judicial review against an order of punishment after conducting due departmental proceedings, we find no substance in this appeal. The findings recorded by the authorities have been affirmed by the labour court, by the industrial court and thereafter by the writ court. There is no substance in the appeal, the same is accordingly dismissed at the motion stage.

Sd/-
(Pritinker Diwaker)
Judge

Sd/-
(Chandra Bhushan Bajpai)
Judge