

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3162 of 2016

Pankaj Kumar Garg S/o Shri Ramfal Garg, Aged About 39 Years Occupation Electrical Foreman Grade- B, S E C L, Bishrampur (O C M), District Surajpur, (Chhattisgarh)

---- Petitioner

Versus

1. South Eastern Coalfields Limited Through: The Chairman- Cum- Managing Director, Basant Vihar, Seepat Road, Bilaspur, (Chhattisgarh)
2. Chief General Manager, S E C L Bishrampur, District Surajpur, (Chhattisgarh)
3. Deputy General Manager, S E C L Bishrampur, District Surajpur, (Chhattisgarh) (Enquiry Officer)
4. Sub Area Manager, (O.C.M.), Aamgaon, Bishrampur Sub Area, District Surajpur, (Chhattisgarh)

---- Respondents

Shri Ashok Kumar Shukla, counsel for the petitioner/s.
Shri R.K.Gupta, counsel for the SECL on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

26/07/2016

Heard on admission.

This petition has been filed by the petitioner seeking quashment of charge sheet dated 05.04.2016 and subsequent notice dated 5/8.07.2016 and the entire enquiry proceedings.

2. Learned counsel for the petitioner submits that the charges are vague, without any detail and without making proper enquiry. He submits that without there being any material to show that the petitioner has submitted false information while obtaining employment, enquiry has been initiated.
3. Interference with the departmental enquiry is permissible only on limited grounds. It is not a case that competency of the authority to issue charge sheet is

under challenge. Moreover, there is no allegation of personal malice against any officer to say that in a malafide manner, charge sheet has been issued. The allegation, as contained in the charge sheet is that the petitioner has obtained employment by submitting false information. Whether or not, the allegations are correct, is a subject matter of consideration during enquiry. It has to be presumed that the petitioner would be afforded due and proper opportunity of hearing to rebut the charges and opportunity of hearing shall also be given to the petitioner not only to rebut the evidence which may be relied upon by the prosecution but also reasonable opportunity to adduce evidence in defence.

4. In view of above, I am not inclined to interfere with the enquiry proceedings at this stage. Subject to the observations stated above, this petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)

Judge