

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5698 of 2016

Dhaneshwar Mandal S/o Late Shri Biro Mandal, Aged About 46 Years
Working On The Post Of Mining Sidar P.C.S.A. Grade B, N.I.S. No
22704167 At Vindhya Mines Pinora Sub Area, Johila Area S.E.C.L.
P.O. & P.S. Naurojabad Distirct Umaria Mp.

---- Petitioner

Versus

1. South Eastern Coalfields Limited Through Its Chairman Cum
Managing Director, Headquarter, Seepat Road, Bilaspur Chhattisgarh
2. Director, Personnel S.E.C.L. Headquarter Seepat Road, Bilaspur
Chhattisgarh
3. General Manager, Man Power S.E.C.L. Headquarter Seepat Road,
Bilaspur Chhattisgarh
4. General Manager, S.E.C.L. Bhatgaon Area, P.S. Bhatgaon, District
Surajpur Chhattisgarh
5. General Manager, S.E.C.L. Johila Area, P.S. Naurojabad District
Umaria M.P.
6. Sub Area Manager, S.E.C.L. Pinora Sub Area Johila Area P.S.
Naurojabad Distirct Umaria M.P.

---- Respondents

For Petitioner	:	Mr. Jai Prakash Shukla, Advocate.
For Respondents -SECL	:	Mr. Sudhir Kumar Bajpai, Advocate.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/10/2016

Heard on admission.

1. By this petition, under Article 226 of the Constitution of India, the petitioner seeks to challenge correctness and validity of transfer order dated 01.06.2012 (Annexure P/1). The petitioner has also prayed for direction to

respondent to consider various claims relating to many allowances and benefits, viz annual bonus of 2013, SLP grade A benefits, OT and Charging allowances, Up keep allowance and also promotion to the next higher post. The petitioner has also raised grievance that he is not being provided any official quarter at the present place of posting. It is submitted that various representations have been made but decisions have not been taken till date.

2. The factual background giving rise to this petition are that in connection with the accident which happened in the mines at Bhatgaon, the petitioner was placed under suspension on 04.06.2011. The departmental enquiry was initiated which culminated in order dated 01.11.2011 imposing penalty of withholding of one increment for a period of one year. The order passed in departmental enquiry was, however, never challenged by the petitioner. The petitioner kept on making representations that an appropriate enquiry should be made in respect of the incident of accident which occurred on 04.06.2011. It is the case of the petitioner that when he started making representation for holding enquiry, he was transferred vide order dated 01.06.2012 with a view to victimize him.

3. On petitioner's own showing, transfer order dated 01.06.2012 was complied with by the petitioner. The petitioner did not challenge the said transfer order for the last four years and present petition has been filed after more than four years challenging transfer order dated 01.06.2012. Therefore, only on the ground of delay and laches and taking into consideration that the petitioner has already complied with the transfer order, challenge to the transfer order fails.

4. Though the petitioner has raised claim for various benefit of services, the pleadings are blissfully vague without giving any details. The petitioner has not even placed on record the relevant Rules, details, in respect of which, claims are being raised, condition of eligibility for promotion etc. Therefore, on this vague pleadings, no relief can be granted at this stage.

5. In view of the above, this petition is disposed off with liberty to petitioner to submit specific claim of various benefit of services before the competent authority by way of representation and if such representations are made, the competent authority shall examine each and every claim of

the petitioner and decide the same in accordance with law by speaking order. If the grievance of the petitioner is not redressed, it will be open for the petitioner to revive the petition.

6. It is made clear that this Court has not given liberty to the petitioner either to raise any grievance with regard to his transfer or with regard to imposition of penalty. It is only confined to various benefit of services which have been specifically mentioned in para 8.14 of the petition and which have been specifically mentioned herein above.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rekha