

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Review Petition No. 159 of 2015

Gurudeep Singh Sehmi, aged about 59 years, S/o Mohan Singh Sehmi, resident of NC-117, CSEB (East), P.O. Korba (TS), District Korba (Chhattisgarh)

---Petitioner

versus

1. M.P. Power Generating Co. Ltd. Through: The Company Secretary, Shakti Bhawan, Nayagaon, Rampur, Jabalpur (M.P.) - 482 008
2. Additional, Secretary (P)-II, M.P. Power Generating Co. Ltd. Nayagaon, Rampur, Jabalpur (M.P.) - 482 008
3. Chief Engineer (Gen.), Amarkantak Thermal Power Station, M.P. Power Generating Co. Ltd., PO – Chachai – 464 220, District Shahdol (M.P.)
4. Chief Engineer (Gen.), Chhattisgarh State Power Generating Co. Ltd. (East), PO: Korba (TS) – 495 681, District Korba (Chhattisgarh)
5. Addl. Chief Engineer (Gen.), Sanjay Gandhi Thermal Power Station, M.P. Power Generating Co. Ltd, PO: Birsinghpur – 484 551, District Umaria (M.P.)
6. Superintending Engineer (O&M), Power House No. 2, Amarkantak Thermal Power Station, M.P. Power Generating Co. Ltd., PO: Chachai – 484 220, District Shahdol (M.P.)
7. Senior Medical Officer, Chhattisgarh Power Generating Co. Ltd. (East) Hospital, PO: Korba – 495 677, District Korba (Chhattisgarh)
8. Welfare Officer, O/o The Chief Engineer (Gen-), Chhattisgarh State Power Generating Co. Ltd. (East), PO: Korba (TS) – 495 677, District Korba (Chhattisgarh)

---- Respondents

For Petitioner : Shri Rajnish Singh Baghel, Advocate

Hon'ble Shri Navin Sinha, Chief Justice

Order on Board

22/2/2016

1. Heard Learned Counsel for the Petitioner.
2. The present application has been filed to review the order dated 24.12.2014 in Writ Petition No.5091 of 1998, by which the writ petition was dismissed.
3. Learned Counsel for the Petitioner submits that if a finding was arrived at that the appellate order was not speaking in nature, the matter appropriately ought to have been remanded to the appellate authority for passing a fresh speaking order as in that eventuality all possibilities for grant of relief to the Petitioner would also remain open. Even if he was found

guilty in the departmental proceeding, the possibility for grant of relief before the appellate authority cannot be completely excluded. The matter may be remanded to the appellate authority for passing fresh reasoned and speaking order in accordance with law and opportunity to the Petitioner for convincing the appellate authority that the finding of guilt was not sustainable.

4. The finding in the writ petition is that the Petitioner was absent for 2 years and 3 months. He did not participate in the departmental proceeding despite notice. There was no procedural irregularity alleged in conducting of the departmental proceeding. Keeping the aforesaid factors in mind including the superannuation of the Petitioner as far back as 2.2.1998, in the facts and circumstances of the case, the Court was of the considered opinion that it was not a fit case for exercise of its discretionary jurisdiction to remand the matter to the appellate authority at this belated stage.

5. An appeal against the order was also withdrawn to avail other remedies.

6. The Court finds no reason to entertain the review application.

7. I.A. No.1 of 2016 for condoning delay is allowed in view of the fact that the Petitioner was pursuing his remedy of appeal including the ground as urged in the application for condonation of delay.

8. The review application is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE