

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6486 of 2017**

Maheshwar S/o Summa, Aged About 54 Years Mechanical Fitter, South Eastern Coalfields Limited, West Chirmiri Colliery, Chirmiri, District Korea Chhattisgarh R/o Old Mines Quarters, Chirmiri, District Korea Chhattisgarh

---- **Petitioner**

Versus

1. South Eastern Coalfields Limited Through The Chairman-Cum-Managing Director, South Eastern Coal Fields Limited, Seepat Road, Bilaspur (Chhattisgarh).
2. General Manager, South Eastern Coalfields Limited, West Chirmiri Colliery, Chirmiri, District Korea Chhattisgarh
3. Sub Area Manager, South Eastern Coalfields Limited, Kurasia, West Chirmiri Colliery, Chirmiri, District Korea Chhattisgarh
4. Manager, South Eastern Coalfields Limited, West Chirmiri Colliery, Chirmiri, District Korea Chhattisgarh
5. Manager (Mines) / Enquiry Officer, South Eastern Coalfields Limited, West Chirmiri, West Chirmiri Colliery, Chirmiri, District Korea Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. B.D. Guru, Advocate
For Respondents	:	Mr. Vinod Deshmukh, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28.11.2017

With the consent of the parties, the matter is heard finally.

1. The petitioner has challenged the action of the respondents in reopening departmental enquiry in which enquiry report was already submitted.
2. Learned counsel for the petitioner would submit that earlier the petitioner

had filed a petition seeking indulgence of this Court at this stage when the enquiry report was submitted assailing correctness of the conclusion drawn by the enquiry officer on the ground that it is contrary to his own finding and evidence on record. Considering the stage of enquiry, this Court was not inclined to interfere but the matter was disposed off with the observation that the petitioner's defence would be considered. This Court never directed the respondents to reopen the enquiry, as has now been done. To be more specific, this Court left the matter to be decided by the disciplinary authority considering that the enquiry report was already submitted. Once the enquiry report is submitted, the next step would be for the disciplinary authority to pass appropriate orders, ofcourse, by due application of mind to the defence taken by the delinquent employee.

3. Learned counsel for the respondents would fairly submit that reopening of a fact was not directed by this Court.

4. In view of the above, the respondents authorities are at liberty to pass final order in the matter but the enquiry shall not be allowed to be reopened.

5. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge