

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 7206 of 2017

Surendra Son Late Narsingh Aged About 59 Years R/o Tanki Dafai, Chhota Bazar, Ward No. 24, Of Municipal Corporation Chirmiri, P. O. Chirmiri Colliers, Tahsil Khadgavan, Civil And Revenue District Korea, Chhattisgarh.

---- Petitioner

Versus

1. South Eastern Coalfields Limited Through Its Chairman Cum Managing Director, S. E. C. L. Head Quarters, Seepath Road, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh.
2. Director(Personnel), South Eastern Coalfields Limited, Seepat Road, Bilaspur, Tahsil And Civil And Revenue District Bilaspur, Chhattisgarh.
3. General Manager, Chirmiri Area Of S. E. C. L. P. O. Haldi Bari, Tahsil Khadgawan, Civil And Revenue District Korea, Chhattisgarh.
4. Sub Area Manager, N. C. P. H. Sub Area Of The Chirmiri Area Of S. E. C. L. P. O. Haldi Bari, Tahsil Khadgawan, Civil And Revenue District Korea, Chhattisgarh.
5. Personnel Manager, N. C. P. H. Sub Area Of The Chirmiri Area Of S. E. C. L. P. O. Haldi Bari, Tahsil Khadgawan, Civil And Revenue District Korea, Chhattisgarh.
6. Enquiry Officer/ Deputy Manager (Mining), Mr. Binod Lal, Old Mine, N. C. P. H. Colliery, P. O. Haldi Bari, Tahsil Khadgawan, Civil And Revenue District Korea, Chhattisgarh.
7. Regional Labour Commissioner(Central), Ministry Of Labour And Employment, Govt. Of India, Main Road Torwa, Bilaspur, Tahsil And Civil And Revenue District Bilaspur, Chhattisgarh.

---- Respondents

Shri Roshan Kumar Singh, counsel for the petitioner/s.
Shri Vinod Deshmukh, counsel for the respondents.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/12/2017

Heard.

1. The challenge to the impugned notice in the petition is mainly on the ground

that the notice is absolutely vague and does not contain any detail. There are no list of document, list of witnesses and it cannot be said to be a charge- sheet against the petitioner and with this kind of notice, the petitioner cannot be subjected to departmental enquiry.

2. At the outset, learned counsel for respondent-SECL appearing in this case submitted that the respondent-SECL would be issuing a detailed charge- sheet with the articles of charges, statement of allegations, list of documents and witnesses, by which, the charges are proposed to be proved and only on the basis of the impugned charge-sheet, further proceeding shall not be Drawn.

3. In the considered opinion of this Court, this statement made, at the bar, by the counsel for respondent-SECL is sufficient to protect the petitioner against an arbitrary action of holding departmental enquiry on undisclosed charges under the notice impugned in this petition.

4. Learned counsel for the petitioner submits that he may be given liberty to challenge further departmental action on such ground as may be available to him under the law.

5. It goes without saying that the petitioner has any grievance against detailed charge-sheet, if any issued in future, it will always be open for the petitioner to challenge the same in accordance with law.

6. In that view of the matter, the petition is disposed off placing on record the statement of the respondent-SECL with the clear direction that if the respondent-SECL intend to proceed in departmental enquiry against the petitioner, then shall issue a proper charge-sheet along with list of documents and witnesses.

Sd/-
(Manindra Mohan Shrivastava)
Judge