

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 74 of 2017**

Parmeet Singh, S/o Shri Gurcharan Singh, aged about 43 years, R/o Ambikapur Road, Mahendragarh, District – Korea (C.G.)

---- Petitioner**Versus**

1. South Eastern Coalfields Limited, through Chairman-cum-Managing Director, South Eastern Coalfields Limited, Head Quarter, Seepat Road, Sarkanda, Bilaspur (C.G.)
2. Union of India, Through Secretary, Ministry of Coal, Shastri Bhawan, New Delhi
3. The General Manager, South Eastern Coalfields Limited, Hasdeo Area, South Jhagrakhand Colliery, District- Korea (C.G.)
4. Staff Officer, (E & M) South Eastern Coalfields Limited, Hasdeo Area, South Jhagrakhand Colliery, District Korea (C.G.)
5. Deputy General Manager (Materials Management), South Eastern Coalfields Limited, Hasdeo Area, South Jhagrakhand Colliery, District- Korea (C.G.)
6. Senior Manager (Finance), Member of Purchase Committee, South Eastern Coalfields Limited, Hasdeo Area, South Jhagrakhand Colliery, District- Korea (C.G.)
7. Assistant Manager (E & M) Member of Purchase Committee, South Eastern Coalfields Limited, Hasdeo Area, South Jhagrakhand Colliery, District- Korea (C.G.)
8. Assistant Manager (Materials Management) Hasdeo Area, South Jhagrakhand Colliery, District- Korea (C.G.)

---- Respondents

For Petitioner	:	Shri Anmol Sharma, Advocate
For SECL	:	Dr. N.K. Shukla, Senior Advocate with Shri Shailendra Shukla, Advocate
For Respondent No.2	:	Shri Bhupendra Singh, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, Judge

Order on Board

Per, Thottathil B. Radhakrishnan, Chief Justice

12/07/2017

1. Heard the learned counsel for the Petitioner and the learned counsel for the appearing Respondents.
2. Through this matter which is filed as a Public Interest Litigation, the Petitioner attempts to make out a case of violation of the provisions of the Purchase Manual by the officials of the South Eastern Coalfields Limited (SECL) which is a Government Company and seeks a direction for an inquiry through Central Bureau Investigation and also other reliefs including a direction to the SECL to follow the Purchase Manual. The pleadings of the Petitioner are on the basis of certain information which is stated to have been gathered by him and on the allegation that the first respondent's officials were not responding to the applications made under the Right to Information Act. The Petitioner alleges that as a counter blast to the Petitioner's efforts in this regard, he was being characterised as a law breaker and a person who was scouting the officials of the first respondent with the intention to extract money illegally.
3. Whatever be the contentions of the Petitioner, the fact of the matter remains that the first respondent is a Government Company and in terms of the

provisions of the relevant laws, it is within the domain of audit by the Comptroller and Auditor General of India. It is within the power of that authority to depute auditors to carry out the requisite statutory audit in conformity with statutory provisions. The resultant audit report is a material which the Comptroller and Auditor General for India, through his office, is expected, in law, to advert and consider. The result of such consideration within the domain of that authority would lead to remedial measures in requisite cases. In our view, it is inappropriate at this stage to issue any direction on the premise that the matter involves violation of the Purchase Manual or other erroneous decision by the establishment of the first respondent. Hence, we do not find that any direction is call for in this matter by treating it as Public Interest Litigation.

4. In the result, the writ petition is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge