

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 6959 OF 2016

Sakha Ram, S/o Chamara, aged about 47 years, R/o Village Harrabhata, P.S. Bankimongara, Tahsil Katghora, District Korba (C.G.)

... Petitioner

Versus

1. South Eastern Coalfields Limited, through its Chairman and Managing Director, Head Office, Basant Vihar, Seepat Road, Bilaspur, District Bilaspur (C.G.)
2. Chief General Manager, S.E.C.L., Dipka Project, District Korba (C.G.)
3. Senior Manager (Mining), S.E.C.L., Dipka Project, District Korba (C.G.)

... Respondents

For Petitioner	:	Mr. G.R. Miri and Mr. Basant Kaiwartya, Advocates.
For Respondents	:	Mr. V.R. Tiwari, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/02/2017

1. The present writ petition has been filed seeking for quashment of the charge-sheet dated 22.11.2016 and 27.11.2016 (Annexure P-1).
2. A plain reading of the charge-sheet would show that the allegation levelled against the Petitioner is that of obtaining employment by playing fraud with the respondent employer. The gravity of the charge levelled itself is an issue which could be adjudicated only upon conducting a due departmental enquiry. By the issuance of charge-sheet itself it cannot be said that any adverse action has been taken against the Petitioner. The Petitioner will be granted an opportunity to defend his case before the Inquiry Officer, to show and prove his innocence. In the event, the Petitioner is able to defend and prove his innocence before the Inquiry Officer. This Court at this stage does not find any good reason why the respondent authorities would not exonerate the Petitioner from the charges levelled against him if he is able to establish that the charges are incorrect.

3. Thus, at this juncture, this Court is of the opinion that it is not a fit case for interfering with the issuance of the charge-sheet. However, it is expected that the respondent authorities shall provide due opportunity to the Petitioner while conducting the departmental enquiry for proving his innocence so far as the charges levelled against him and only then the appropriate action should be taken after providing sufficient opportunity of hearing.

4. Needless to mention that, in case, if any action is subsequently taken by the Respondents, the Petitioner would be at liberty for assailing the same before this Court again.

5. With the aforesaid direction, the present writ petition is finally disposed of.

Sd/-
(P. Sam Koshy)
Judge