

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2705 of 2017**

Maheshwar S/o Summa, Aged About 54 Years Mechanical Fitter, South Eastern Coalfields Limited, West Chirmiri Colliery, Chirmiri, District Korea(C. G.). R/o Old Miners Quarters, Chirmiri, District Korea Chhattisgarh. **---- Petitioner**

Versus

1. South Eastern Coalfields Limited Through The Chairman Cum Managing Director, South Eastern Coalfields 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 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 Colliery, Chirmiri, District Korea Chhattisgarh. **---- Respondents**

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

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/06/2017

Heard.

1. This petition has been filed by the petitioner seeking indulgence of this Court at this stage when the enquiry report has been submitted and the petitioner also submitted his reply to enquiry report and the matter is awaiting decision of the disciplinary authority.
2. Learned counsel for the petitioner submits that the enquiry officer has recorded a conclusion which is contrary to his own finding and evidence on record with regard to petitioner's parentage, adoption etc. He submits that in

the circumstances, the petitioner has serious apprehension that the disciplinary authority may not apply its mind and mechanically accept the enquiry report without due consideration of the petitioner's reply.

3. Learned counsel for the respondents submits that the apprehension of the petitioner is not founded on any material. He submits that the reply filed by the petitioner shall receive due and proper consideration and the disciplinary authority shall take appropriate decision only after due application of the entire material on record including oral and documentary evidence, enquiry report and the defence of the petitioner.

4. In view of the emphatic statement made by learned counsel for the respondents, this Court does not find, at this stage, any reason to interfere in the pending departmental enquiry. Therefore, this petition is disposed off with the observation that the defence of delinquent employee is required to be duly considered and the mind is required to be applied by the disciplinary authority before arriving at any decision in the departmental enquiry.

Sd/-
(Manindra Mohan Shrivastava)
Judge