

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT APPEAL NO. 150 OF 2017

Shiv Murti Shukla S/o Shri Rampyare Shukla, aged about 48 years, Senior Surveyor (Under Suspension), Bagdewa, UG Mine, SECL, Korba, District Korba (Chhattisgarh).

... Appellant

Versus

1. South Eastern Coalfields Limited, through Chief Managing Director, Seepat Road, Bilaspur (Chhattisgarh).
2. Colliery Manager, Bagdewa UG Mines, Korba, District Korba (Chhattisgarh).

... Respondents

WRIT APPEAL NO. 151 OF 2017

Shiv Murti Shukla S/o Shri Rampyare Shukla, aged about 48 years, Senior Surveyor (Under Suspension), Bagdewa, UG Mine, SECL, Korba, District Korba (Chhattisgarh).

... Appellant

Versus

1. South Eastern Coal Fields Limited, through Chief Managing Director, Seepat Road, Bilaspur (Chhattisgarh).
2. Colliery Manager, Bagdewa UG Mines, Korba, District Korba (Chhattisgarh).
3. General Manager (P & A), Seepat Road, Bilaspur (Chhattisgarh).
4. Shri Uday Chatterjee, (Retd. Deputy GM), 731 Indraprasth, Babur Bagh, Post Rajbati, District Burdwan (West Bengal).

... Respondents

For Appellants	: Mr. T.K. Jha, Advocate.
For Respondents	: Mr. K.K. Shrivastava, Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice P. Sam Koshy

Order on Board

Per Thottathil B. Radhakrishnan, C.J.

19/04/2017

1. These Writ Appeals are by the same person, Shiv Murti Shukla, who is an employee of South Eastern Coalfields Limited, a Government Company which is a Public Sector Undertaking.
2. The Appellant challenged certain procedures in the course of the disciplinary action pending against him at the instance of the employer. Prima facie, it appears that the challenge levied is referable to issues touching the so called charge-sheet and the articles of charges issued by the establishment and the appointment of a person who has retired from

the services of the South Eastern Coalfields Limited as the Enquiry Officer. The Appellant also has a case that the enquiry proceedings are founded on the same set of facts which formed the foundation for case charge sheeted by the Central Bureau of Investigation.

3. We need to note that the appeals are only against an interlocutory order by which the learned Single Judge has permitted the disciplinary proceedings and the enquiry to carry on, that too with a direction that final orders shall not be issued for the time being. This obviously means that the final orders cannot be issued by the Disciplinary Authority until the Writ Petition is decided by the learned Single Judge.

4. Under such circumstances, we are of the view that no question of law or question of fact affecting the lis as between the parties has been decided finally or conclusively against the interest of any of the parties by the learned Single Judge through the impugned interlocutory order. Hence, these Writ Appeals are not be entertained. The parties have to be left with liberty to raise all their contentions before the learned Single Judge.

5. In the light of what is aforesaid, these Writ Appeals are dismissed.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge