

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WA No. 324 of 2017**

1. D.R.Singh S/o Shri T.Singh, Aged About 46 Years Occupation Service, Presently Posted As Senior Executive Engineer (Civil) S.E.C.L. Hasdeo Area Post South Jhagarkhand Colliery, District Korla, Chhattisgarh

**---- Appellant**

**Versus**

1. Coal India Limited A Govt. Of India Undertaking Having Its Registered Office Netaji Subhash Chandra Road Calcutta 700001, Through Its Chairman
2. South Eastern Coal Fields Limited, Through Its Chairman-Cum-Managing Director, S.E.C.L. Head Office At Seepat Road, Bilaspur, Chhattisgarh

**---- Respondents**

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For Appellant : Shri Ashish Shrivastava, Advocate

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**Hon'ble Shri Justice Pritinker Diwaker**  
**Hon'ble Shri Justice Ram Prasanna Sharma**

**Order On Board**

**P. Diwaker, J**

**04/09/2017**

1. This writ appeal arises out of the order dated 12.7.2017 (Annexure A-1) passed by the learned Single Judge in Writ Petition No.130/2001 dismissing the writ petition.
2. Brief facts of the case are that a preliminary enquiry was conducted against the petitioner/appellant for procuring RCC Poles for his work site without any authorization of the competent authority and also for obtaining 3000 Nos. of poles of inferior quality without getting it certified through the competent authority and thereafter un-authorizedly certifying those poles to be in good condition and recommending payment against the same.

After completion of disciplinary enquiry, the disciplinary authority vide order dated 10.5.1999 found the charges levelled against the appellant to be proved and accordingly, a penalty of withholding of one annual increment of two years without cumulative effect was imposed on him. Being dissatisfied with the said order, the appellant preferred an appeal before the appellate authority i.e. Coal India Limited, and the same has also been dismissed vide order dated 29.8.200. The order of the appellate authority was challenged by the petitioner/appellant herein before this Court by filing a writ petition and the writ Court vide order impugned dismissed the writ petition holding that the finding recorded by the disciplinary authority, as affirmed by the appellate authority, is a finding of fact based on material available on record and there is no jurisdictional error apparent on the face of record to set aside the order passed by the disciplinary authority.

3. Counsel for the appellant submits that non-supply of relevant documents during the course of disciplinary enquiry prejudiced the defence of the appellant and as such the order imposing penalty of withholding of one annual increment for two years is in violation of the principles of natural justice. He further submits that the appeal preferred against the order of disciplinary authority has been dismissed by the appellate authority in arbitrary and illegal manner.
4. We have heard counsel for the appellant and perused the impugned orders.
5. The obligation to supply copies of a document is confined only to material and relevant documents and the enquiry would be vitiated only if the non-supply of material and relevant documents when demanded may have caused prejudice to the delinquent officer. It is not necessary that each and every document must be supplied to the delinquent government

servant facing the charges. If a document even though mentioned in the memo of charges is not relevant to the charges or if it is not referred to or relied upon by the enquiry officer or the punishing authority in holding the charges proved against the government servant, no exception can be taken to the validity of the proceedings or the order. Non-supply of documents on which the Enquiry Officer does not rely during the course of enquiry does not create any prejudice to the delinquent. It is only those documents, which are relied upon by the Enquiry Officer to arrive at his conclusion, the non-supply of which would cause prejudice being violative of principles of natural justice. Even then, non-supply of those documents prejudice the case of delinquent officer must be established by the delinquent officer.

6. In the instant case there is no denial of the fact that copies of documents mentioned in the charge sheet purporting to substantiate a particular charge were supplied to the appellant herein. Even, the record goes to show that certain documents sought by the appellant during the course of enquiry were also supplied to him. It is not the case here that the Enquiry Officer relied on the documents other than mentioned in the charge sheet against the appellant or copies of the documents, which are proposed to be utilized against him and indicated in the charge sheet, are not supplied to him in spite of his request.

Furthermore, the ground of non-supply of relevant and necessary documents was never raised by the appellant before the appellate authority. This apart, the appellant has failed to establish that such non-supply of documents has prejudiced him in defending himself properly and effectively. Therefore, there is no substance in the submission of the appellant that non-supply of copies of documents, as demanded by him, had caused prejudice to him in defending himself.

7. We find that the finding of learned single Judge that the order passed by the enquiry officer holding the appellant herein guilty of the charges levelled against him as affirmed by the appellate authority is a finding of fact based on material available on record, is based on proper appreciation of material on record and we do not find any reason to differ from the finding arrived at by the learned single Judge on this aspect of the matter.
8. In the result, the appeal being without any merit is hereby dismissed at the admission stage itself and the order passed by the learned Single Judge is maintained.

Sd/-  
(Pritinker Diwaker)  
Judge

Sd/-  
(RP Sharma)  
Judge