

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 532 of 2017***(Arising out of order dated 27/11/2017 in WPS No. 5952/2017 of the learned Single Judge of this Court)*

Shiv Murti Shukla S/o Shri Rampyare Shukla Aged About 48 Years Senior Surveyor Bagdewa, U G Mine, S E C L, Korba Now Posted At G M Office, Korba Area S E C L District Korba Chhattisgarh.

---- Appellant

Versus

1. South Eastern Coalfields Limited Limited Through Chief Managing Director (C M D) Seepat, Road, Bilaspur Chhattisgarh
2. Colliery Manager & Disciplinary Authority, Bagdewa U G Mines, Korba, District Korba Chhattisgarh P. O. And P. S. Korba Chhattisgarh
3. General Manager & Disciplinary Authority Korba Area S E C L
4. Shri Uday Chatterjee, (Retd. Deputy G. M., C M P D I L, 731 Indraprasth, Babur Bagh, Post Rajbati District Burdwan (W. B.)
5. V. K. Kaushik Sr. Manager, (Civil) / Vigilance, S E C L & Presenting Officer In The Departmental Proceeding P O S E C L Seepat Road Bilaspur Chhattisgarh

---- Respondents.

For Appellant : Shri T.K. Jha and Shri B.N. Mishra, Advocates
 For Respondents : Shri K.K. Shrivastava, 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****14/12/2017**

1. We have heard the learned counsel for the appellant and the learned counsel for the respondents in this intra court appeal against an interlocutory order by which the learned single Judge has refused to grant stay of further proceeding in a disciplinary enquiry in relation to which there is already an earlier order that final order in the disciplinary proceedings

shall not be passed. There are three writ petitions now pending, at the instance of the delinquent, in relation to the disciplinary proceedings.

2. The learned counsel for the appellant argued that though the issuance of final order in the disciplinary proceedings is interdicted, the appellant-delinquent is facing a situation where he is disabled from cross-examining the requisite witnesses in relation to certain disclosures through CDs or otherwise. He also says that the disciplinary proceedings are likely to be concluded without giving the delinquent adequate opportunity of hearing. For this, it is submitted that the final views of the enquiry authority has been formulated.
3. Reminding ourselves of the parameters of an intra court appeal against an interlocutory order, we need to first mention that the learned single Judge has stated reasons why he declined to pass further orders on the interim application. The fact that there is an order staying the issuance of the final order in the disciplinary proceedings has been taken into consideration by the learned single Judge. The question whether the disciplinary proceedings should be permitted to be carried forward in the manner in which it is now been held is itself a matter in issue in, at least, one among the three writ petitions instituted by the delinquent. We are of the view that having regard to the nature of adjudication that may be carried forward by the learned single Judge it would be inappropriate for us to interfere with the impugned interlocutory order. We, however, preserve all the contentions and reliefs of the delinquent in the writ petition. Subject to that, this writ appeal is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge