

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.39324 OF 2016

Date: 27.02.2017

Between:

G.K.Sampath Kumar, S/o Sanjeeva Rao,
Aged about 51 years, Occu: Employee,
R/o. H.No.DA-18, Opp Head Office,
Kothagudem, Badradri Kothagudem Dist.

.....Petitioner

and

The Enquiry Officer and General Manager,
Mines Rescue Station (MRS), the Singareni
Collieries Company Limited, Ramagundam,
Karimnagar District and others.

.....Respondents



The Court made the following:

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ORDER:

Heard Sri Ch.Venkat Ramana, learned counsel for petitioner and Sri J.Sreenivasa Rao, learned standing counsel for respondents.

2. Disciplinary proceedings were initiated against the petitioner. He was served with charge memo dated 10.03.2015 and domestic enquiry is in progress. At that stage, petitioner filed this writ petition challenging conducting of enquiry.

3. According to learned counsel for petitioner only grievance of the petitioner is certain documents sought by the petitioner, which are material for his defence in the domestic enquiry, are not furnished to him, which would prejudice his defence and, therefore, the enquiry proceedings are vitiated.

4. Having regard to the list of documents mentioned by the petitioner in his representation dated 02.02.2016, which documents petitioner alleges, are not supplied to him, by order dated 09.02.2017, learned standing counsel was directed to file additional affidavit on the relevancy of documents mentioned in the representation dated 02.02.2016 and whether company is relying on those documents to sustain the charge.

5. Additional affidavit is filed on behalf of the respondents, deposed by Sri A.Ananda Rao, who is working as General Manager (Personnel). Reading of Paragraphs 9 and 10 of the additional affidavit would show that six witnesses were examined on behalf of

the Management and documents were marked on behalf of the Management. In paragraph-11, it is specifically asserted that documents now requested by the petitioner are not taken on record nor they are part of the record during the course of the present enquiry and that the Enquiry Officer would not rely on such documents. He further submitted that Enquiry Officer would rely only on the documents which were marked as evidence in the said proceedings.

6. When the matter is taken up for consideration, learned counsel for petitioner submits that though the Management may not rely upon those documents, but having regard to the allegations made against the petitioner and the depositions of the witnesses, it is necessary, for his proper defence, at least to peruse those documents and make note of the contents of the documents. On this, learned standing counsel fairly submits that records are available with the Management and records would be made available to the Enquiry Officer on the next date of enquiry and petitioner would be permitted to peruse the documents and make note of the contents of the documents to enable him to have proper defence.

7. Having regard to these submissions, it is not necessary to keep the writ petition pending and it is accordingly disposed of with the following directions:

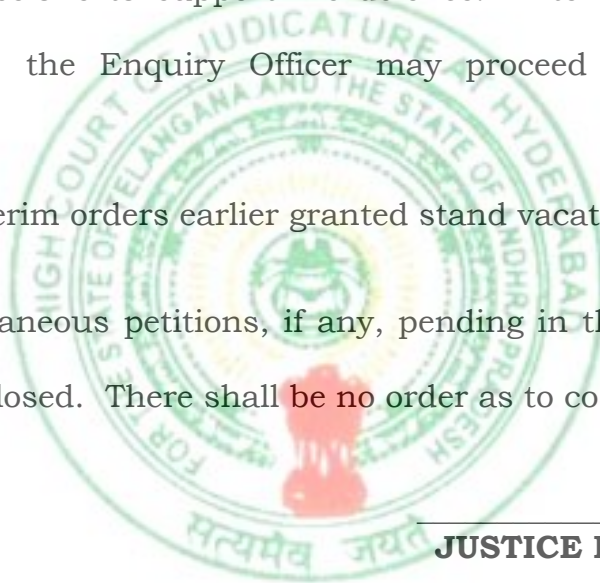
i) Petitioner shall appear before the Enquiry Officer on the next date of hearing as fixed and intimated to him;

ii) On the next date of hearing, the respondent Management shall produce relevant documents as mentioned in the representation of the petitioner dated 02.02.2016 addressed to the General Manager (Personnel)/Public Information Officer;

iii) Enquiry Officer shall permit the petitioner to peruse those documents and allow him to make notes of the contents of documents. However, petitioner shall not indulge in tampering of the documents or taking photographs of the documents and only make notes of the contents of the documents to enable him to make submissions to support his defence. After the documents are perused, the Enquiry Officer may proceed further in the enquiry;

iv) Interim orders earlier granted stand vacated.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.



JUSTICE P.NAVEEN RAO

Date: 27.02.2017

Note: Issue CC in three days.

(B/o)
kkm

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