

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 625 of 2018**

Lakhan S/o Chau, Aged About 59 Years, Occupation - Suport Mistry,
Quarter Paraspani, Bartunga Chirimiri, P. O. Chirimiri, District Koriya
Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner**Versus**

1. South Eastern Coalfields Limited Through Its Chairman - Cum - Managing Director, Seepat Road Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Chief General Manager, South Eastern Coalfields Limited Chirimiri Area District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
3. Senior Manager (Mining) South Eastern Coalfields Limited, Underground Project Bartunga, Chirimiri, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
4. Sub Ara Manager Chirimiri, Underground, Sub Area S.E.C.L., Chirimiri Area, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sanjeev Verma, Advocate.
For Respondents/ SECL	:	Mr. Shailendra Shukla, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****17/01/2018**

Heard.

1. The challenge to the impugned notice in this petition is mainly on the ground that the notice is absolutely vague and does not contain any detail. There are no list of documents, list of witnesses and it cannot be said to be a charge-sheet against the petitioner and with this kind of notice, the petitioner cannot be subjected to departmental enquiry.

2. At the outset, learned counsel for respondent- SECL appearing in this

case submits that the respondent- SECL would be issuing a detailed charge-sheet with the articles of charges, statement of allegations, list of documents and witnesses, by which, the charges are proposed to be proved and only on the basis of the impugned charge-sheet, further proceeding shall not be drawn.

3. In the considered opinion of this Court, this statement made, at the bar, by the counsel for respondent- SECL is sufficient to protect the petitioner against the arbitrary action of holding departmental enquiry on undisclosed charges under the notice impugned in this petition.

4. In that view of the matter, this petition is disposed of placing on record the statement of the respondent – SECL with the clear direction that if the respondent – SECL intend to proceed in departmental enquiry against the petitioner, then shall issue a proper charge-sheet along with list of documents and witnesses.

5. In WPS No. 5590 of 2017, counsel for SECL taken objection that the petitioner has submitted a complaint before the Regional Labour Commissioner towards drawal of conciliation proceeding and thereafter, he filed this petition without disclosing this fact to this Court.

6. In view of the consideration, on which, this Court granted indulgence to in other cases, this petition is also required to be disposed of on the similar terms and is accordingly disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge