

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2125 of 2018**

Chandar S/o Shri Dandashi Aged About 48 Years R/o Ward No. 05 ,
Old Mines Quarter Podi, Post West Chirmiri Colliery Police Station
Podi West Chirmiri Colliery Chirmiri District Korla Chhattisgarh.

---- Petitioner**Versus**

1. South Eastern Coalfields Limited Through Its Chairman Cum Managing Director S E C L Seepat Road Bilaspur District Bilaspur Chhattisgarh.
2. General Manager Chirmiri Area Sub Area , S E C L District Korla Chhattisgarh
3. Sub Area Manager Cum Disciplinary Officer N C P H Sub Area , Chirmiri Area, Post Haldibadi District Korla Chhattisgarh.

----Respondents

For Petitioner	:	Mr. S.P. Kale, Advocate
For Respective respondents	:	Mr. H.B. Agrawal, Senior Advocate along with Ms. Prabha Sharma, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14/03/2018**

1. The challenge in the present writ petition is the charge sheet (Annex. P/1) dated 01.01.2018. The contention of the counsel for the petitioner is that the charge sheet is a vague charge sheet and that the charge sheet does not support relevant documents and list of witnesses, which the respondents intend to rely upon during the course of the inquiry. He further submits that the action on the part of the respondents also seems to be in contravention to the earlier order passed in this regard on 30.10.2017, passed by this Court in a bunch of writ petitions leading amongst which being WPS No. 4099/2017.

2. The said bunch of writ petitions got disposed of on the ground that the counsel appearing for the S.E.C.L. had given an undertaking that the respondents shall issue a detailed charge sheet with the article of charges, statement of allegations, list of documents, etc. The counsel for the petitioner submits that charge sheet in the present case should also be withdrawn by the employer and a fresh charge sheet accordingly could be issued.
3. This Court is not impressed with the submissions made by the counsel for the petitioner for the simple reason that the gravity of the charges leveled is quite serious irrespective of the number of years that the petitioner has worked. In a case, where there is an allegation that the petitioner has obtained employment by playing fraud. The employer has every right to get it inquired and in this regard, the charge sheet has been issued. The petitioner-employee is duty bound to participate in the proceedings and prove his innocence and also prove the fact that he is not obtained his employment by playing mischief.
4. If at all, if the petitioner finds that the charge sheet has not been supported with relevant documents and he has not been provided with sufficient materials which the respondents are relying upon, the petitioner-employee would be at liberty to approach the competent authority or the inquiry officer, as the case may be, for necessary information and details.
5. The entire disciplinary proceedings cannot be stalled particularly in the nature of the allegations which have been alleged.

6. Given the aforesaid facts, this Court is not inclined to entertain the writ petition and the same deserves to be and is accordingly disposed off.
7. Needless to mention, this Court also relies upon the observations made by this Court in WPS No. 7524/2017 decided on 01.02.2018.
8. It is further expected that the respondent-employer also would ensure that the disciplinary proceedings which is initiated against the petitioner shall be conducted purely in accordance with the rules and guidelines governing the service conditions of the petitioner and shall also keep in mind the principles of natural justice while conducting the inquiry.
9. The writ petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved