

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3554 of 2018**

Sharad Kumar Dubey S/o Shri Dayawant Dubey, Aged About 38 Years
R/o Block No. 9/231, New B Type, Kurasiya Colliery, Godripara,
Chirmiri, District- Korea, Chhattisgarh.

---- Petitioner**Versus**

1. South Eastern Coal Field Limited Through General Manager, Chirmiri Area, District- Korea, Chhattisgarh.
2. Sub Area Manager, SECL, Kurasiya West Chirmiri, Chirmiri Area, District- Korea, Chhattisgarh.
3. Dr. Satyendra Singh, Medical Superintendent, WCC Hospital, SECL Chirmiri Area, District- Korea, Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Awadh Tripathi, Advocate
For Respondents	:	Mr. Vivek Chopda, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09/05/2018**

1. The challenge in the present writ petition is to the charge-sheet dated 06.11.2017 issued against the petitioner.
2. The contention of the counsel for the petitioner is that the charge-sheet is not in accordance with the standard format and provisions of the standard standing order applicable to the service conditions of the petitioner.
3. The counsel for the petitioner further submits that the respondent are required to conduct the departmental enquiry in accordance with the parameters laid down by the Supreme Court in the case of ***“State of Punjab Vs. Bhagat Ram” 1975 1 SCC 155***. It was further contended by the counsel for the petitioner that, in the instant case the charge-sheet does not have the list of witness and list of document which are required while issuance of charge-sheet. He further submit that in an

identical bunch of writ petitions filed before this Court leading amongst which is WPS No. 4099/2017 (Kanhaiya Lal Jaiswal & Others Vs. S.E.C.L. & Others) was disposed of on 30.10.2017. Whereby the charge-sheet issued by the Management-respondent was quashed as it was not supported with list of documents and list of witnesses and was not in accordance with the format. Though the liberty is reserved with the respondents to issue a fresh charge-sheet along with list of documents and list of witness in the format under the standard standing order.

4. The petitioner thus prayed for the present writ petition also to be allowed in similar terms as the charge-sheet under challenge is also not supported with any list of documents and witnesses.
5. The Respondent counsel however opposing the petition submits that the present writ petition has been filed at a belated stage as the charge-sheet dated 06.11.2017 is challenged in the present writ petition filed on 04.05.2018 and in between the departmental enquiry has also been initiated and the petitioner has also participated in the same.
6. Perusal of the Annexure P/2 would reveal that the charge-sheet has not been issued in accordance with provision of the standing order. The charge-sheet also is not in a format, in as much as the articles of charges, the list of documents, list of witnesses, etc. does not find place in the charge-sheet and therefore the same does not seem to be a properly issued charge-sheet.
7. Given the aforesaid facts and circumstances of the case, any departmental enquiry as such would be detrimental to the interest of the petitioner.

8. This Court thus set asides the charge-sheet issued and the departmental enquiry initiated by the respondents with liberty to the respondents to issue a fresh charge-sheet in accordance with the standard standing order and also ensure that the charge-sheet is issued in a proper format with articles of charges, the list of document and list of witness. Further the respondent also are directed to follow the observation of Supreme Court, in the case of ***State of Punjab Vs. Bhagat Ram*** (supra) and shall also take care of it during the departmental proceedings.
9. With the aforesaid observation, the Writ Petition stands allowed and dispose off.

Sd/-
(P. Sam Koshy)
Judge

Ved