

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 3952 of 2018

Ambikeshwar Singh, S/o. Late Shri Awadh Bihari Kushwaha, Aged About 57 Years, Occupation- Service, Working as Driver- Cum- Mechanic, Mining Rescue Room, Sonawani, Chirmiri, (Domanhill), R/o. Qtr. No. B-3, Rescue Colony, Sonawani, Chirmiri, District- Koriya, Chhattisgarh.

---- Petitioner

Versus

1. South Eastern Coalfields Limited, Through Its Chief Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur, District- Bilaspur, Chhattisgarh.
2. The General Manager (Operation), South Eastern Coalfields Limited, Chirmiri Area, Chirmiri, District- Koriya, Chhattisgarh.
3. Regional Personnel Manager, South Eastern Coalfields Limited, Chirmiri Area, Chirmiri, District- Koriya, Chhattisgarh.
4. S.P. Tripathi, Staff Officer (Yojna/Pariyojna) (Enquiry Officer), CGM Office Chirmiri Area, Chirmiri, District- Koriya, Chhattisgarh.
5. Rameshwar Tripathi, In- Charge Officer, Rescue Room, Sonawani, Chirmiri, District- Koriya, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Vivek Kumar Tripathi, Advocate
For Respondents	:	Mr. Chandradeep Prasad, Advocate on behalf
No.1 to 3	:	of Mr. Vaibhav Shukla, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.05.2018

Heard

1. 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. It is contended neither the list of documents nor the name of witnesses have been served to the petitioner, therefore, he has been kept under dark.
2. The counsel for the petitioner further submits that the respondents 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***” reported in **1975 1 SCC 155**. It was further contended by the counsel for the petitioner that, in the instant case the charge-sheet does not contain the list of witness and list of document which are required while issuance of charge-sheet. He further submits that in an identical writ petition, the co-ordinate Bench of this Court in WPS No. 3554 of 2018 (*Sharad Kumar Dubey v. S.E.C.L. & Others*) on 09.05.2018 has passed the order whereby direction has been given to issue a fresh charge sheet in accordance with the standard standing order and supply all the documents, therefore, the similar order may be passed.

3. Perusal of Annexure P-5 prima facie shows that no document has been filed nor any names of witnesses have been given and apparently it appears that the charge sheet so issued dated 04.04.2018 is not in accordance with the provisions of the standard standing order. The charge-sheet also is not in a format and the articles of charges, the list of documents, list of witnesses, etc. do not find place in the charge-sheet and therefore the same does not seem to be a properly issued charge-sheet.
4. In the facts of this case, the enquiry conducted may seriously prejudice the right of the petitioner. In view of this and the law laid down in ***State of Punjab v. Bhagat Ram***, the charge sheet so issued dated 04.04.2018 is quashed with a liberty to the respondents to issue a fresh charge sheet in accordance with the standard standing order. It is also to be ensure that the charge sheet is to be issued with proper format, list of documents and list of witnesses. It is expected that the respondents shall follow the norms as laid down by the Supreme Court in ***State of Punjab Vs.***

Bhagat Ram (supra) and shall also take care of it during the departmental proceedings.

5. With the aforesaid observation, the writ petition stands disposed off.

Ashok

Sd/-
(Goutam Bhaduri)
Vacation Judge