

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 4081 OF 2018**

Ramoo S/o Shri Sanchano, Aged About 56 Years R/o Ward No. 32, New Mines, Post Office Line - Godripara, Post And Police Station Chirmiri, Korasiya Colliery, Chirmiri, District - Korla Chhattisgarh.

...**Petitioner(s)**

Versus

1. South Eastern Coalfields Limited Through Its Chairman - Cum - Managing Director, SECL, Seepat Road - Bilaspur, District Bilaspur Chhattisgarh.
2. General Manager, Chirmiri Area, Kurasa Sub - Area, SECL, District Korla Chhattisgarh.
3. Senior Manager (Mining), Kurasiya Colliery, Chirmiri, District Korla Chhattisgarh.

... **Respondent(s)**

WRIT PETITION (S) NO. 4087 OF 2018

Jhunna S/o Shri Bana, Aged About 50 Years Main Road Chief House, Godripara, Post And Police Station Chirmiri, Korasiya Colliery, Chirmiri, District Korla Chhattisgarh.

...**Petitioner(s)**

Versus

1. South Eastern Coalfields Limited Through Its Chairman - Cum - Managing Director, SECL, Seepat Road - Bilaspur, District Bilaspur Chhattisgarh.
2. General Manager, Chirmiri Area, Kurasa Sub - Area, SECL, District Korla Chhattisgarh.
3. Senior Manager (Mining), Kurasiya Colliery, Chirmiri, District Korla Chhattisgarh.

... **Respondent(s)**

&

WRIT PETITION (S) NO. 4132 OF 2018

Maheswar S/o Shri Raghu Aged About 50 Years Working As Support Mistri , Caterogy - 06 R/o Ward No. 34 Near Radha Krishna Mandir, Godripara , Post And Police Station Chirmiri Korasiya Colliery Chirmiri, District Korla Chhattisgarh.

...**Petitioner(s)**

Versus

1. South Eastern Coalfields Limited Through Its Chairman - Cum - Managing Director, SECL, Seepat Road - Bilaspur, District Bilaspur Chhattisgarh.
2. General Manager, Chirmiri Area, Kurasa Sub - Area, SECL, District Korla Chhattisgarh.
3. Senior Manager (Mining), Kurasiya Colliery, Chirmiri, District Korla Chhattisgarh.

... **Respondent(s)**

For Petitioners	:	Shri SP Kale, Advocate.
For Respondents	:	Shri HB Agrawal, Sr. Advocate along with Shri Shashi Kumar Kushwaha, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28.06.2018

1. The challenge in these writ petitions is to the charge sheet dated 29.05.2018 issued by the respondents.
2. This court had issued a direction to the respondents to seek instructions in the matters. Today, Shri HB Agrawal, learned Sr. Counsel makes a submission that he has instructions to state before the court that the respondents intend to withdraw the charge sheet in question dated 29.05.2018 with liberty to issue duly constituted fresh charge sheet in accordance with the provisions of the standing order governing the field.
3. The counsel for the petitioners however opposing the submissions made by the counsel for the respondents submit that the respondents are estopped from issuing any further charge sheet as the respondents were not afforded liberty for issuance of fresh charge sheet during the earlier round of litigation.
4. The said contention of the counsel for the petitioners may not be acceptable for the reason that it is only at the charge sheet stage that the respondents sought for withdrawal of the charge sheet so that a duly constituted fresh charge sheet could be issued. Moreover, if we look into the nature of allegations and the charges levelled against the petitioners, the same apparently are quite

serious charges which cannot be left un-inquired or be waived only on account of fact that the respondents in the past have issued charge sheet which were not duly constituted and they decided to withdraw. Thus, the contention of the counsel for the petitioner stands overruled.

5. In the light of the submissions of the counsel for the respondents that the management wants to withdraw the present charge sheet under challenge, nothing further remains to be adjudicated upon in these petitions. The respondents would be precluded from proceeding further with the charge sheet dated 29.05.2018 so far as present petitioners are concerned. However, the right stands reserved for the respondents-management to issue a duly constituted fresh charge sheet, if they so desire.
6. Accordingly, all the writ petitions stand disposed of.

Sd/-
(P. Sam Koshy)
Judge