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HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 553 of 2017**

(Arising out of order dated 30.10.2017 in WPS No. 4099 of 2017 and connections of the learned Single Judge)

- Pranay Kumar Sahu Son Of Ram Swaroop Sahu, Aged About 55 Years Presently Working As Senior Onerman, At Charcha West Colery, R/o Village And Post Nagpur, Thana Pondi, District Korea, Chhattisgarh.

---- Appellant**Versus**

1. South Eastern Coalfields Ltd. Through Its Chairman Cum Managing Director, Seepat Road, Bilaspur, Chhattisgarh.
2. General Manager, South Eastern Coalfield Ltd. Baikunthpur, Korea, District Korea, Chhattisgarh.
3. Sub/ Deputy Area Manager, South Eastern Coalfield Ltd. Charcha West Colliery, Baikunthpur, District Korea, Chhattisgarh.
4. Deputy Chief Personnal Manager, South Eastern Coalfield Ltd. Charcha West Colliery, Baikunthpur, District Korea, Chhattisgarh.

---- Respondents

For Appellant	:	Shri Waquar Naiyer, Advocate
For Respondents	:	Shri Vaibhav Shukla, Advocate

Hon'ble Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Justice Sharad Kumar Gupta****Judgment on Board****Per Thottathil B. Radhakrishnan, Chief Justice****09.01.2018**

1. This writ appeal is by one named in the pleadings as Shri Pranay Kumar Sahu; the writ petitioner in WPS No.4485 of 2017 which has been disposed of by the learned Single Judge through impugned common judgment.
2. We have heard the learned counsel for the Appellant and the learned counsel for the SECL, the establishment where the appellant is employed.
3. The sum and substance of the case is that the respondent - SECL has proceeded with an action, proposed on the premise that the appellant obtained

employment in SECL by impersonating himself as Pranay Kumar Sahu and obtaining employment on compassionate ground referable to the father-in-law of Pranay Kumar Sahu. The case appears to be that the father-in-law of Pranay Kumar Sahu was discharged from service as medically unfit. Such exit of the father-in-law is treated as a ground for appointment of the son-in-law in SECL which is an institution of public employment. Be that as it may, as of now the dispute is as to whether it is too late in day for the SECL to raise the issue.

4. The learned Single Judge dealt with the bunch matters on the premise that all the petitioners had a common case; to wit, that the employer SECL has not delineated specific data and materials through the memo of charges under it. SECL submitted before the learned Single Judge that all the materials will be provided to each of the delinquent and only then the proceedings will go on. This was recorded and the proceedings were permitted to be carried by SECL. This is how the writ petitions, including by the appellant, got dismissed at the hands of the learned Single Judge.
5. The learned counsel for the appellant vehemently argued that in the case in hand, the appellant who is now around 56 years of age cannot be proceeded against at this distant point of time.
6. Perusing the cause title of the bunch of writ petitions, as is discernible from the impugned common judgment, one of the writ petitioners was 63 years old and many others had crossed the age of 45 years, 50 years, 55 years etc. The critically important issue to be noted is that the disciplinary proceedings are not initiated on account of a misconduct in the discharge of the duties and responsibilities or on account of any situation which called for disciplinary action in connection with the employment. SECL's stand is that the appointments were procured through illegal and illegitimate means including by impersonation. Every employer has got the authority to enquire into such situations. The power to appoint includes the power to be insulated against

fraudulent employment being obtained by practicing fraud, of which impersonation is species.

7. The learned counsel for the appellant further argued that there is a whistle blower, whose name is mentioned in the pleading and who had been holding out the sword of Right of Information Act and virtually attempting to extort money from the SECL employees on the threat that they will be brought to action if he is not paid. It is submitted that First Information Reports have been registered against such person and action has also been taken by the jurisdictional police and other authorities. These, by themselves, are not persuasive enough when SECL, as a public employer, is entitled to enquire as to whether any particular person has obtained employment with it, by practicing fraud. Even if a whistle blower is found to be one who had acted to extort funds from persons, that is a matter to be handled in different domain relating to the criminal laws. That by itself does not denude SECL from carrying out enquiry to ascertain whether any particular person in its employment had obtained such employment by practicing fraud, including impersonation. The plea raised raised by the appellant in this regard, therefore, fails.
8. Hence, protecting all insulations granted by the learned Single Judge requiring SECL to furnish the appellant requisite materials, we do not find any ground to interfere with the impugned judgment. The writ appeal, therefore, fails. We record the submissions on behalf of the appellant that any observation in this judgment as also in the judgment of the learned Single Judge may not be decisive in proceedings initiated by the SECL against the appellant.
9. In the result the writ appeal is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge