

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 4409 OF 2018**

Bhaskar Mohanty, S/o Trinath Mohanty, aged about 60 years, occupation-Support Mistry, R/o Amanala No.4, Dafai, Haldibadi, Chirmiri, District Koriya (C.G.)

... Petitioner

versus

1. South Eastern Coalfields Limited, through Managing Director, Head Office, Seepat Road, Bilaspur, District Bilaspur (C.G.)
2. Sub Regional Manager, N.C.P.H. Colliery, Sub Area, Haldibadi, District Koriya (C.G.)
3. Mining Manager, South Eastern Coalfields Limited, NCPH Colliery, Chirmiri Area, PO- Haldibadi, District Koriya (C.G.)

... Respondents

For Petitioner	:	Mrs. Indira Tripathi, Advocate.
For Respondents	:	Mr. Vaibhav Shukla, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/07/2018

1. Challenge in the present writ petition is to the issuance of charge-sheet dated 14.4.2018, Annexure P-1, to the Petitioner.
2. Contention of the learned Counsel appearing for the Petitioner is that the second charge-sheet issued by the Petitioner is not sustainable for the reason that, for the same charges an identical charge-sheet on an earlier occasion was also issued on 6.1.2018 which stood withdrawn on 14.4.2018 based on a writ petition which was filed before this Court and which was disposed of on 30.10.2017 in W.P.S. No. 4475 of 2017. According to the learned Counsel for the Petitioner, since they had withdrawn the charge-sheet on 14.4.2018 they could not have issued a fresh charge-sheet on same day and that there is no change in the charge-sheet and with identical charges levelled, therefore the same is bad.
3. However, perusal of record would show that, undisputedly on an earlier occasion, i.e., on 6.1.2018, a charge-sheet was issued to the Petitioner but the charge-sheet was not supported with list of witnesses and imputation of charges/articles of charges and also the list of documents in support of their

contentions. It was this which was challenged before the High Court vide W.P.S. No. 4475 of 2017 and other bunch of identical matters which all came together before the High Court on 30.10.2017 and it was then that the Senior Counsel appearing for the respondent-establishment gave an undertaking that they may be permitted to withdraw the said defective charge-sheet and be permitted to issue a fresh one in accordance with the provisions of law. In this backdrop, the earlier charge-sheet stood withdrawn on 14.4.2018 and a fresh duly constituted charge-sheet supported with necessary documents like list of witnesses, list of documents, the article of charges and the imputation of charges all had been provided to the Petitioner.

4. Given the fact the subsequent charge-sheet which has been issued is clearly in accordance with the provisions of law. The Respondents intending to conduct a department enquiry for the serious allegations of obtaining employment by fraud made by the Petitioner, this Court is of the opinion that no strong case for interfering with the charge-sheet at this juncture has been made out by the Petitioner. The circumstances under which the fresh charge-sheet has been issued stands established from the contents of earlier order of this Court dated 30.10.2017. The Respondents were granted a liberty to proceed further with the delinquent employee by way of issuance of a fresh duly constituted charge-sheet, which they have now done. Thus, this Court does not find any strong case worth admitting the writ petition and the same being devoid of merits deserves to be and is accordingly dismissed.

5. At this juncture, learned Counsel for the Petitioner submits that the Petitioner is proposed to be retired in the month July, 2018 itself. Subject to the Petitioner providing all necessary assistance and cooperation to the Enquiry Officer, the Enquiry Officer shall conduct an enquiry as far as possible, on day-to-day basis and try to conclude the same at the earliest.

6. The writ petition accordingly stands dismissed.

Sd/-

(P. Sam Koshy)
Judge