

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 591 of 2018**

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

---- Appellant

Versus

1. South Eastern Cialfileds 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.

---- Respondents

For Appellant	: Shri S.P. Kale, Advocate.
For Respondents	: Shri H.B. Agrawal, Senior Advocate with Shri Pankaj Agrawal, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Prashant Kumar Mishra, Judge

Order on Board**26/07/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the parties.
2. The charge-sheet issued against the Appellant became a subject matter of challenge before the learned Single Judge. It seems that due to certain infirmities or shortfalls, the first round of charge-sheet was ordered to be withdrawn and liberty was given for issuance of a second charge-sheet. The second charge-sheet issued also became a subject matter of challenge and a third charge-sheet was issued against which a plea is taken that there will be estoppel on issuance of

a third charge-sheet, especially, if the Court had not given any leeway or liberty to do so in its earlier order. The learned Single Judge, while negating such a submission, observed as under:-

“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.”

3. We are in agreement with the findings and reasons given by the learned Single Judge in dismissing the writ application and refusing to grant any relief to the Appellant. Enough games have already been played trying to obstruct holding of a departmental enquiry at every stage so that the truth does not emerge. The time has come when the law should take its course.

4. The appeal has no merit. It is dismissed.

Sd/-
(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-
(Prashant Kumar Mishra)
JUDGE