

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 5286 of 2018**

Abhi S/o Shri Arkhito Aged About 44 Years R/o Ward No. 27 Azad Nagar, Godripara, Post And Police Station - Chirmiri, Chirmiri, District Korla Chhattisgarh.

**---- Petitioner****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 ) N P C H Colliery Old Mines, District Korla Chhattisgarh

**----Respondents**

|                |   |                              |
|----------------|---|------------------------------|
| For Petitioner | : | Mr. S.P. Kale, Advocate      |
| For State      | : | Mr. Pankaj Agrawal, Advocate |

**Hon'ble Shri Justice P. Sam Koshy****Order on Board****17/08/2018**

1. The challenge in these writ petitions is to the charge sheet **dated 18.06.2018** issued by the respondents.
2. This court had issued a direction to the respondents to seek instructions in the matters. Today, Shri Pankaj Agrawal, learned 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 18.06.2018** 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 petitioner 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 petitioner 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 petitioner, 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 18.06.2018** so far as present petitioner is 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**