

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5857 of 2018**

Koko S/o Shri Dhoba, Aged About 46 Years R/o Ward No. 26, Paraspani, Bartunga Koriya, Police Station Chirmiri, District Koriya 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 Koria Chhattisgarh.
3. Senior Manager (Mining), Bartungahil Under Ground Mines, Sub Area Chirmiri, District Koria Chhattisgarh.

----Respondents

For Petitioner	:	Mr. S.P. Kale, Advocate
For Respondents	:	Ms. Astha Shukla, Advocate on behalf of Mr. Vaibhav Shukla, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

07/09/2018

1. The challenge in the present writ petition is to Annexure P/1 dated 23.08.2018, whereby the petitioner has been issued with a charge sheet for a major misconduct of having obtained employment by playing fraud.
2. The counsel for the petitioner submits that in the past also the petitioner was issued with a charge sheet on 12.05.2018, which was challenged before this Court in WPS No. 4128/2018. As per the directions of this Court, the said charge sheet was subsequently withdrawn on 16.08.2018 and the fresh charge sheet under challenge has been issued.
3. The counsel for the petitioner alleges that there is no difference between the charge-sheet which was filed on an earlier occasion

and the charge sheet which has now been filed and the petitioner has also not been provided with the documents, which they have referred to in the charge sheet and have enclosed with the charge sheet.

4. It was also contended by the learned counsel for the petitioner that the respondents also have unnecessarily marked the copy of the charge sheet to the various authorities in the department, which is totally unwarranted. It is the contention of the petitioner since it has been marked to the higher authorities in the department would show that the charge sheet has been issued at the instance of the higher authorities in the department and therefore there is all possibilities that the departmental proceedings initiated would be a biased one, in as much as the authorities would be sitting predetermined to pass an order against the petitioner.
5. Having heard the contentions of the counsel for the petitioner, what reflects is that on an earlier occasion, when the petitioner had filed a writ petition, this Court had disposed off the writ petition holding that the respondents should issue a charge sheet in accordance with the standing order governing the field and that it should be in the proper format with specific articles of charges, list of documents and list of witnesses, which were also supposed to be given to the petitioner. Though Annexure P/1 reflects that article of charges and other relevant information and the documents are attached, but it is alleged that the same have not been provided to the petitioner.
6. If that be so, it is directed that the respondents would ensure that these documents and information, which they are referring in the

charge sheet would be provided to the petitioner before they proceed further with the departmental enquiry.

7. So far as the copy of the charge sheet being marked to the other authorities in the department, true it is that the said procedure seems to be totally unwarranted, because the charge sheet has to be issued by the Disciplinary authority only to the delinquent employee and the same need not be given to the other authorities in the department. At the same time, merely marking the same to the higher authorities in the department by itself would not cause any prejudice to the interest of the petitioner, so far as the disciplinary proceeding that has been proposed.
8. Given the aforesaid facts, subject to the respondents providing all necessary information and the documents, which they have referred to in the charge sheet as having attached, the respondents would be at liberty to proceed further with the departmental enquiry.
9. With the aforesaid observations, the writ petition stands disposed off.
10. Needless to mention that the observations made in the earlier writ petition would also be kept in mind by the respondents in the course of conducting the departmental enquiry.

Sd/-
(P. Sam Koshy)
Judge