

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 101 of 2018

1. South Eastern Coal Fields Ltd., through its Chairman cum Managing Director, Seepak Road, Bilaspur, Chhattisgarh
2. General Manager, South Eastern Coal Fields Ltd., Jamuna Colliery, District Anuppur, Madhya Pradesh
3. Sub/Deputy Area Manager, South Eastern Coal Fields Ltd., Amadand Jamuna Colliery, District Anuppur, Madhya Pradesh
4. Deputy Chief Personnel Manager, South Eastern Coal Fields Ltd., Jamuna Colliery, District Anuppur, Madhya Pradesh

---- Petitioners

Versus

Gyanswaroop S/o. Jagdish, Aged about 55 years, Presently working as E.P. Fitter, At Amadanda OCM, Jamuna Colliery, Jamuna, R/o. G-1-95, Purani Double Store, Jamuna Colliery, District Anuppur, Madhya Pradesh

---Respondent

For Petitioners	:	Mr. K.K. Shrivastava, Advocate
For Respondent	:	Mr. Waquar Naiyer, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/12/2018

1. The present Review petition has been filed seeking for review of the order dated 30.04.2018, passed in WPS No. 3382/2018.
2. The writ petition originally was filed challenging the charge sheet dated 11.04.2017. The writ petition was allowed primarily on the ground that the charge sheet, which was issued, was not accompanied with a list of documents and the list of witnesses, which the respondents/applicants were relying upon while issuing the charge sheet.
3. The counsel for the applicants while arguing the Review petition submits that petitioner has suppressed the material facts, so far as the departmental enquiry, which was initiated pursuant to the charge sheet dated 11.04.2017 to have traveled quite far and the inquiry has reached

to the stage of the submission on the inquiry report by the Inquiry officer to the Disciplinary authority and the petitioner was also issued with the second show cause notice. It is at this juncture, according to the respondents/applicants that the petitioner has rushed to the High Court.

4. On a query being put to the counsel for the Management, he fairly concedes that admittedly while issuance of the charge sheet, it was not accompanied with the list of documents and the list of witnesses, but the petitioner did not make any claim at the first stance and participated in the departmental enquiry and thus he cannot now revert back and challenge the same.
5. This argument of the Management may not be sustainable for the reason that it is a departmental enquiry, which has been initiated in respect of the alleged employment, which the petitioner has obtained by playing fraud. The consequence of the enquiry proceeding where if the guilt being held to be proved against the petitioner, he may loose his employment.
6. Given the said facts, the charge sheet which has to be issued in accordance with provisions of the standing orders, which is applicable and where it is specifically envisaged that it should be supported with the list of documents, list of witnesses and with the imputation of charges.
7. In the instant case, the charge sheet, which was issued lacks all these aforesaid ingredients. Thus, this Court finds it difficult to interfere with the findings of this Court in the order dated 30.04.2018 reserving the right of the Management to proceed further in accordance with decision of this Court dated 30.04.2018 in WPS No. 3382/2018.

8. Needless to mention that in the event, if the applicant/Management initiates a fresh charge sheet, the respondent is directed to render full cooperation in concluding the disciplinary proceedings at the earliest. While proceeding with the departmental enquiry, it is expected that the Management shall abide by the provisions of law, which is otherwise required while conducting a departmental enquiry.
9. With the aforesaid observations, the Review petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved