

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 126 of 2018

1. South Eastern Coalfields Limited Through Its Chairman-Cum-Managing Director, Head Office, Basant Vihar, Seepat Road, Bilaspur, District-Bilaspur, Chhattisgarh.
2. Chief General Manager South Eastern Coalfields Limited, Gevra Project, District- Korba, Chhattisgarh.
3. Senior Manager (Mining) South Eastern Coalfields Limited, Gevra Project, District- Korba, Chhattisgarh.

---- Applicants

Versus

Surendra Kumar Jaiswal S/o Seeta Ram Jaiswal Aged About 50 Years
R/o Qtr. No. MD-33, Dipka Colony, P.S. Dipka, District- Korba,
Chhattisgarh

---Non-Applicant

For Applicants	:	Mr. V.R. Tiwari, Advocate
For Respondent	:	Mr. G.R. Miri, Advocate along with Mr. Basant Kaiwartya, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/11/2018

1. The present review petition has been filed seeking review of the order dated 30.04.2018, passed in WPS No. 3270/2018 (Surendra Kumar Jaiswal v. South Eastern Coal Fields Ltd. & Ors.).
2. The original writ petition was filed assailing the charge sheet dated 17.02.2018. The writ petition was disposed off after hearing the parties.
The writ petition was allowed for the following reasons:

“6. Perusal of the Annexure-P/1 would reveal that the charge-sheet has not been issued in accordance with provision of the standing order. The charge-sheet also is not in a format, in as much as the articles of charges, the list of documents, list of witnesses, etc. does not find

place in the charge-sheet and therefore the same does not seem to be a properly issued charge-sheet.

7. Given the aforesaid facts and circumstances of the case, any departmental enquiry as such would be detrimental to the interest of the petitioner.

8. This Court thus set asides the charge-sheet issued and the departmental enquiry initiated by the respondents with liberty to the respondents to issue a fresh charge-sheet in accordance with the standard standing order and also ensure that the charge-sheet is issued in a proper format with articles of charges, the list of document and list of witness. Further the respondent also are directed to follow the observation of Supreme Court, in the case of “State of Punjab Vs. Bhagat Ram” (supra) and shall also follow the same in the course of the departmental proceedings also.”

3. Subsequently, the present review petition has been filed. The only ground which the applicants have raised in the review petition is the second page to the charge sheet (Annex.A/2), which refers to list of documents and list of witnesses. According to the applicants, this part was suppressed by the respondent at the time of filing of the writ petition, and therefore the order deserves to be reviewed.
4. Perusal of the further documents enclosed with the review petition would reveal that the charge sheet except for first page, does not contain the article of charges, giving details of the alleged misconduct and the specific provision of the standing order pertaining to the misconduct alleged to have been committed by the Non-applicant.
5. It is settled position of law that a charge sheet is not merely an allegation that is made against an employee. It should also have specific details of the charges leveled and the particular misconduct under the

standing order or the service regulations governing the service conditions of the delinquent employee.

6. In the absence of any such details with the charge sheet, only on the ground that the charge sheet was accompanied by a list of documents and the list of witnesses, by itself would not make the documents complete. Thus this Court does not find any strong case made out by the applicants for entertaining the review petition.
7. The review petition thus fails and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

Ved