

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 7361 of 2018

Ajay Kumar S/o Shri Dilip Kumar, aged about 58 years, through his daughter, Ku. Ritu D/o Shri Ajay Kumar, aged about 25 years, R/o M-699, Adarsh Nagar, Kusmunda, Ward No. 55, Korba (C.G.).

---Petitioner

Versus

1. South Eastern Coalfields Limited, Through Chairman- Cum- Managing Director, South Eastern Coalfields Limited, Seepat Road, Police Station- Sarkanda, District- Bilaspur, Chhattisgarh.
2. General Manager (Mining), Through South Eastern Coalfields Limited, Kusmunda Project, Post- Kusmunda Colliery, District- Korba, Chhattisgarh.
3. Mines Manager, Through Kusmunda Project, South Eastern Coalfields Limited, Post- Kusmunda Colliery, District- Korba, Chhattisgarh.

---Respondents

For petitioner : Shri Chandresh Shrivastava, Advocate.
 For respondents : Shri Vinod Deshmukh, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01/11/2018

1. The challenge in the present Writ Petition is to the correspondence made by the department vide Annexure-P/5 dated 19/09/2018 and also to the action on part of the respondents in constituting the committee of enquiry in respect of the same allegations against the petitioner.
2. The contention of the counsel for the petitioner is that, the petitioner is at the fag end of his service and it is now that the respondents have initiated proceedings to verify the genuinity of his credentials which he had produced at the time of appointment. He further submits that, the notices which had

been issued reflects that, in case, if the petitioner fails to represent before the committee, the respondents would proceed and pass an ex-parte order. He further contended that, as of now, the petitioner is not well and he has been hospitalized and is under treatment at the Apollo Hospital, Bilaspur and therefore he would be unable to attend the enquiry proceedings at this juncture and therefore an appropriate direction be given to the respondents to ensure that he be granted sufficient time till he gets discharged from the hospital.

3. This Court after perusal of the contents of the Writ Petition and also perusal of the said record is not inclined to entertain the Writ Petition so far as the constitution of the Committee as also the action of the management of conduct in preliminary enquiry is concerned.

4. This Court further is of the view that since the petitioner has worked with the respondents for a period of 35 years and that he is presently hospitalized at the Apollo Hospital, Bilaspur, the respondent authorities shall consider the case of the petitioner sympathetically and grant him sufficient time to appear and represent before the authorities only after he is discharged from the hospital if not discharged till today, and if he has already been discharged, let sufficient time be granted to the petitioner to appear before the authorities for representing his case suitably.

5. With the aforesaid observation, the instant Writ Petition stands disposed off.

6. The disposal of the Writ Petition would not come in the way of the management in deciding any request of the petitioner on its merits for voluntary retirement in accordance with the rules.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit