

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7468 of 2018

Ramkyas S/o Balkrishna Aged About 48 Years Dozer Operator,
Trainee, R/o Qtr. No. MD 779, Deepka Colony, Post Office Gevra,
District Korba Chhattisgarh.

---- Petitioner

Versus

1. South Eastern Coalfields Limited Through Its Chairman Cum Managing Director, SECL Seepat Road Bilaspur, District Bilaspur Chhattisgarh.
2. General Manager South Eastern Coalfield Limited, Gevra Project, Korba, District Korba Chhattisgarh.
3. Deputy General Manager/ Colliery Manager (M). South Eastern Coalfields Limited, Gevra, Project, Korba, District Korba Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Rakesh Dubey, Advocate
For Respondents	:	Mr. V.R. Tiwari, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/11/2018

1. The present is the second round of litigation. The earlier round of litigation was by way of the writ petition i.e. WPS No. 5822/2018 decided on 06.09.2018.
2. While disposing of the writ petition, this Court had made the following observations:

“5. Given the aforesaid facts and circumstances of the case, since charge levelled against the Petitioner is of obtaining employment by playing fraud with the management, the management has every right to proceed departmentally against the Petitioner. This Court in exercise of its powers under Article 226 of the Constitution of India would not come in the way of the department in the course of conducting an enquiry. However, it is expected that the Enquiry

Officer shall act fairly and reasonably as is expected from an Enquiry Officer and which has also been stated by the Hon'ble Supreme Court in the case of Bhagat Ram (supra) where in paragraph 7 it was held as under:

“The meaning of a reasonable opportunity of showing cause against the action proposed to be taken is that the Government servant is afforded a reasonable opportunity to defend himself against charges on which inquiry is held. The Government servant should be given an opportunity to deny his guilt and establish his innocence. He can do so when he is told what the charges against him are. He can do so by cross examining the witnesses produced against him. The object of supplying statements is that the Government servant will be able to refer to the previous statements of the witnesses proposed to be examined against the Government servant. Unless the statements are given to the Government servant he will not be able to have an effective and useful cross-examination.”

6. It is expected that the aforesaid observations of the Hon'ble Supreme Court shall be borne in mind by the Enquiry Officer as also by the Presenting Officer in the course of enquiry.”

3. Now, in the second round of writ petition, the petitioner has sought for the following relief:

“10.1. That, this Hon'ble Court may kindly be pleased to allow the petition and thereby directing the respondent company to provide necessary documents, so that the petitioner could get proper and reasonable opportunity to defend himself against proposed departmental enquiry.”

4. This Court is of the opinion that the relief sought for by the petitioner in the present writ petition has already been granted by this Court while disposing of the writ petition at the first instance.
5. Given the aforesaid facts, this Court does not intend to keep the petition pending further rather ends of justice would meet if present writ petition also is disposed off in similar terms and further observing that the petitioner should be provided with all those documents and list of witnesses, which the respondents would be relying upon in the course of the departmental enquiry, which is being conducted against the petitioner.
6. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved