

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 8228 of 2018

Ajay Kumar S/o Shri Dilip Kumar, Aged About 58 Years, Through His Daughter Ku. Ritu D/o Ajay Kumar, Aged About 25 Years, R/o M-699, Adarsh Nagar, Kusmunda, Ward No. 55, District Korba, Chhattisgarh.

---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), South Eastern Coalfields Limited, Kusmunda Project, Kusmunda Colliery, District Korba, Chhattisgarh.
3. Mines Manager, South Eastern Coalfields Limited, Kusmunda, Project, Kusmunda, Colliery, District Korba, Chhattisgarh.
4. Manish Pandey S/o Veermani Pandey, R/o Behind Jagjeevan College, Near Housing Colony (Behind J.D. Public School), Chandwa Tola, Police Station Nabada, District Bhojpur (Bihar).

---Respondents

For petitioner : Shri Praful N. Bharat, Advocate.
 For respondents : Shri Vinod Deshmukh, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/12/2018

1. The present Writ Petition has been filed seeking quashment of departmental enquiry initiated against the petitioner.
2. It would be relevant at this juncture to take note of the fact that, the petitioner on an earlier occasion also had filed a Writ Petition i.e. WPS No. 7361/2018 which got disposed off on 01/11/2018. The stand taken by the petitioner at that point of time was that, the petitioner was not feeling well and was under treatment at the Apollo Hospital, Bilaspur and therefore he

was unable to attend the departmental enquiry proceedings initiated by the respondents.

3. The counsel for the petitioner made a limited prayer that the enquiry may differ till he is discharged from the Apollo Hospital.

4. Acceeding to the said prayer of the petitioner this Court had made following observations while disposal of the Writ Petition:-

“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. The grievance of the petitioner now is that, subsequent to the disposal of the Writ Petition, the petitioner has again received a letter dated 09/11/2018 whereby he has been asked to appear before the Enquiry Officer on 14/11/2018. This time again the petitioner was unable to attend on account of the fact that while undergoing treatment at Apollo Hospital, he has been further referred for specialized treatment to Bombay and at present the petitioner is hospitalised and undergoing treatment at Bombay and the petitioner also is likely to undergo a surgery of one of his Eye and it would take about 2 months time for recovery from the said treatment.

6. The petitioner once again have moved this petition seeking for same relief that till the petitioner gets well and returns back from Bombay, the Enquiry Officer may differ the enquiry proceedings.

7. The counsel for the respondents submits that, the order passed in the earlier litigation i.e. WPS No. 7361/2018 d/on 01/11/2018 perhaps seems to have not been brought to the notice of the authorities concerned which might have led to the issuance of notice dated 09/11/2018. He further submits that, since, this Court had already disposed off the said Writ Petition directing the authorities to consider the case of the petitioner sympathetically it appears that the order dated 09/11/2018 has been passed ignorant of the order passed while disposal of the Writ Petition on 01/11/2018.

8. Given the aforesaid submissions by the counsel for the respondents and also taking note of the observations made by this Court while disposing off WPS No. 7361/2018 and also on the specific averment made by the petitioner that the petitioner is presently undergoing treatment at Bombay on being referred by the Apollo Hospital, Bilaspur, this Court is of the opinion that ends of justice would meet if the Writ Petition is disposed off with a direction to the respondents to ensure that the departmental enquiry proceedings stands differed till he gets recovered from the treatment that he is undergoing at Bombay and reports back.

9. As has been said in the earlier round of litigation it is expected that, the authorities concerned would take a sympathetic view on the health condition of the petitioner in the course of conducting of the departmental enquiry.

10. The Writ Petition accordingly stands allowed and disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit