

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 744 of 2019

Rajiv Kumar, Aged about 32 years, son of Ramanand Prasad Rajak,
resident of Village-Kailash Nagar, P.O. & P.S.: Chas, District Bokaro-
827013

... .. Petitioner

Versus

1. South Eastern Railway through its General Manager, Garden Reach, PO & PS: Khidirpur, Kolkata-700043, District-24 Pargana (West Bengal)
2. Chief Personnel Officer, South Eastern Railway, Garden Reach, PO & PS: Khidirpur, Kolkata-700043, District 24 Paragana (West Bengal)
3. Sri A. Bhattacharjee, Chief Enquiry Inspector and Enquiry Officer, South Eastern Railway, Garden Reach, P.O. & P.S., Khidirpur, Kolkata-700043, District 24 Paragana (West Bengal)
4. Senior Divisional Electrical Engineer (G), South Eastern Railway, Ranchi, P.O. Haria, PS Jagarnathpur, District Ranchi
5. Divisional Railway Manager, South Eastern Railway, Ranchi, PO.: Hatia, PS Jagarnathpur, District Ranchi
6. Senior Divisional Personnel Officer, South Eastern Railway, Ranchi, PO Hatia, PS Jagarnathpur, District Ranchi

... .. Respondents

CORAM: HON'BLE MR. JUSTICE D.N. PATEL
HON'BLE MR. JUSTICE B.B. MANGALMURTI

For the Petitioner: M/s Ajit Kumar
For the Respondents: M/s Gautam Rakesh

03/Dated 12th March, 2019

Per D.N. Patel, J.

1. This writ petition has been preferred against order passed in OA/0 51/00450/2018 dated 26th October, 2018.
2. Having heard counsel appearing for both sides and looking to the facts and circumstances of the case, it appears that for the misconduct stated at Annexure 1 to the memo of this writ petition, viz. chargesheet dated 8/11th January, 2016. Issuance of the chargesheet was under challenge in the aforesaid OA/0 51/00450/2018 before the Central

Administrative Tribunal, Circuit Bench at Ranchi. As this application has been dismissed the original applicant has preferred this writ petition.

3. Having heard counsels appearing for both sides and looking to the facts and circumstances of the case, it appears that the respondents have all power, jurisdiction and authority to issue chargesheet, which is at Annexure 1 to the memo of this writ petition. Neither there is any want of jurisdiction for issuing chargesheet by the respondents nor there is excess of any authority with the respondents for the issuance of the chargesheet.

4. Much has been argued out by the counsel for the petitioner that the documents, which have been asked for by the petitioner, were not supplied.

This issue can be raised by the petitioner before the learned Central Administrative Tribunal as and when proceedings of the enquiry is being challenged by this petitioner. Respondent can also look into this matter of supply of the documents. We are not expressing any opinion about the supply of the documents, which are demanded by the petitioner. It all depends upon the nature of documents and nature of allegations.

5. Keeping this issue open, this writ petition is dismissed as no error has been committed by the Central Administrative Tribunal while deciding OA/0 51/00450/2018 vide order dated 26th October, 2018

6. This writ petition is, hereby, dismissed.

(D.N. Patel, J.)

(B.B. Mangalmurti, J.)