

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1814 of 2019

Rajkumar Pandey S/o Vishnu Prasad Pandey, Aged About 46 Years
R/o Ramanujnagar, Ambikapur, Presently R/o Gevra Colony Police
Station Kusmunda, District Korba Chhattisgarh.

---- Petitioner

Versus

1. South Eastern Coalfield Ltd. Through Chairman Cum Managing Director, Basant Vihar, Seepat Road, Bilaspur Chhattisgarh.
2. Chief General Manager SECL Gevra Project, Gevra Area, District Korba Chhattisgarh.
3. Dy. General Manager (Mining)/Colliery Manager SECL Gevra Project, Gevra Area, Korba Chhattisgarh. (Disciplinary Authority).
4. Sr. Manager (Mining)/Security Officer (Mr. R.K. Mishra), Gevra Project, District Korba Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Ashok Kumar Shuka, Advocate
For Respondents	:	Mr. V.R. Tiwari, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/03/2019

1. Mr. V.R. Tiwari, Advocate present in the Court and the Panel Lawyer for the respondents is directed to accept notice on behalf of the respondents.
2. The challenge in the present writ petition is to the charge-sheet dated 12.03.2018. The charge-sheet has been issued against the petitioner for an act of misconduct, which also amounts to a moral turpitude and for which the petitioner already stands convicted in a criminal case by the Judicial Magistrate First Class, Katghora.

3. The brief facts of the case is that the petitioner is working as a Dumper Operator under the respondents at Gevra project. He was involved in a criminal case for the offence punishable under Sections 420, 467, 468, 471 read with Section 34 of Indian Penal Code. The petitioner stood convicted vide judgment dated 23.12.2017 in Criminal Case No. 794/2016 and has been sentenced to undergo rigorous imprisonment for maximum period of 3 years with fine. The said judgment of conviction has been subjected to challenge in a criminal appeal i.e. Criminal Appeal No. 10/2018 before the Additional Sessions Judge, Katghora, District Korba, Chhattisgarh.
4. The Appellate Court has suspended the sentence vide order dated 22.01.2018 and subsequently the conviction also has been stayed by the same Appellate Court vide order dated 19.04.2018.
5. Given the aforesaid facts that the judgment of conviction as on date stands stayed by the Appellate Authority and if that be so, the allegation which has been leveled against the petitioner in the said charge-sheet would have to be taken note of by the authorities before proceeding further.
6. It has been informed by the petitioner that subsequent to the stay of the conviction, the petitioner has also intimated the authorities in the Department in respect of the stay of the suspension as well as the conviction, but the Inquiry Officer still seems to be proceeding further with the departmental enquiry, though no final decision has been taken by the authorities on the representation that the petitioner has

made subsequent to the staying of the conviction by the criminal Appellate Court.

7. Given the aforesaid facts and circumstances of the case, let the respondents No.2 & 3 take a decision on the application that the petitioner has filed after the conviction was stayed by the Appellate Court vide Annexure P/8 dated 25.04.2018, at the earliest.
8. Counsel for the respondents is also directed to intimate the respondents No.2 & 3 in this regard and let an order be passed by the respondents No.2 & 3 as to whether, there would be any further necessity in proceeding with the departmental enquiry in the light of the stay of the sentence as well as the conviction by the criminal Appellate Court.
9. It is expected that the authorities concerned would take a decision at the earliest.
10. With the aforesaid observations, the writ petition accordingly stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved