

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.3013 OF 2019**

Shabbir Ahmed S/o Late Mobin Aged About 57 Years Working Sdl Operator, Barunga Hill, Chirmiri Underground Sub Area Secl, R/o Q. No. 286, Ward No. 26, Korba Lane Bartunga Colliery, Chirmiri, Tahsil Khadgavan, District Koriya Chhattisgarh.

...Petitioner(s)**Versus**

1. South Eastern Coalfields Ltd Through Managing Director, SECL, Seepat Road, Bilaspur Chhattisgarh.
2. General Manager Office Of General Manager, SECL, Chirmiri Area, Police Station Chirmiri, District Koriya Chhattisgarh.
3. Chief Manager (Mining) Office Of General Manager, SECL, Chirmiri Area, Police Station Chirmiri, District Koriya Chhattisgarh.
4. Deputy Regional Manager Office Of General Manager, SECL, Chirmiri Area, Police Station Chirmiri, District Koriya Chhattisgarh.
5. Manager (Personal Department) Office Of General Manager, SECL, Chirmiri Area, Police Station Chirmiri, District Koriya Chhattisgarh.

... Respondent(s)

For Petitioner : Shri Soumya Rai, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25.04.2019**

1. The present writ petition has been filed seeking quashment of the charge sheet dated 16.08.2018 (Annexure P/1) and for any appropriate relief in this regard.
2. The ground of challenge in the present writ petition primarily is that, the petitioner has not been provided with certain documents which he had sought for after charge sheet was issued in support of his defence. The second ground of challenge is that, the petitioner has already submitted whatever relevant records that he had in respect of his identity and the identity of his father is concerned and the department has not properly appreciated those facts and records before proceeding with the Departmental Enquiry.

3. What is to be seen in this case is that, the present is a second round of litigation. The earlier round of litigation was WPS No.3756 of 2018 whereby the petitioner had challenged the earlier charge sheet for the same charges issued to him on 26.07.2017. Since the charge sheet was not issued in proper formate and also was not supported with article of charges, list of witnesses and list of documents, this court had quashed the charge sheet reserving the right of the respondents to proceed further in accordance with law.
4. It is all the more necessary to take note of the fact that while disposing of the said writ petition, a specific direction was given to the respondents to ensure that directives given by the Supreme Court in case of State of Punjab Vs. Bhagat Ram, 1975 (1) SCC 155 and Shri Anant R. Kulkarni Vs.Y.P. Education Society and Ors.2013(6) SCC515 shall be taken care of. The second charge sheet thus was issued on 16.08.2018 and along with charge sheet, the article of charges, list of documents and witnesses were all supplied. In view of the said facts, this court finds that second charge sheet seems to have been in accordance with the directives that this court had issued in WPS No.3756 of 2018.
5. Now the issue remains as to how the respondents have proceeded with the departmental enquiry though the allegation of the petitioner is that he has been denied the relevant records in support of his defence in the departmental enquiry.
6. This court in exercise of judicial review under Article 226 of the Constitution of India at this juncture would not like to scrutinize the departmental enquiry proceedings sitting as an administrative higher authority of the department or the enquiry officer. As such the scope of judicial review would not permit this court to monitor the day to day departmental proceedings. Moreover, in the previous round of litigation so

far as petitioner is concerned, it was specifically ordered by this court that after issuance of fresh charge sheet the authorities were expected to proceed with the departmental enquiry in accordance with principles laid down by the Supreme Court in cases of State of Punjab Vs. Bhagat Ram (Supra) and Shri Anant R. Kulkarni Vs. Y.P. Education Society and Ors. (Supra).

7. It is expected that the respondents while proceeding with the departmental enquiry would grant a fair opportunity of hearing and defence to the petitioner to rebut the charges which have been levelled against him. At the same time, it is also expected from the management that the charges which has been levelled against the petitioner is established by producing cogent materials before the enquiry officer and those materials which are brought before the enquiry officer would also be made available to the petitioner so that he can put up his defence accordingly.
8. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge