

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3280 of 2019**

Kapil Muni Pandey S/o Late Jainarayan, Aged About 45 Years,
Overman, Presently Working At Kapil Dhara Mine, Mine Jamuna
Kotma Area, District Anuppur (M.P.)

---- Petitioner**Versus**

1. South Eastern Coal Field Limited, Through C.M.D. SECL Head
Quarter, Seepat Road, Bilaspur, District Bilaspur, Chhattisgarh
2. South Eastern Coal Field Limited Office, General Manager, Hasdeo
Area, District Korea, Chhattisgarh
3. Sub Area Manager, Kapil Dhara Colliery, (Kurja Sub Area) District
Korea, Chhattisgarh
4. Deputy General Manager / Sub Area Manager, Bijuri Sub Area,
District Anuppur, Chhattisgarh.
5. Safety Officer, Bijuri Colliery, District Anuppur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Awadh Tripathi, Advocate
For Respondents	:	Shri Vaibhav Shukla, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****03.05.2019**

1. The present writ petition has been filed seeking quashment of the charge
sheet dated 30/31.01.2018 Annexure P-1.
2. The ground of challenge in the present writ petition is that the entire enquiry

which is being conducted by the respondents is in total violation of the principles of natural justice in as much as the petitioner has not been given the list of documents and the statement of witnesses for the purpose of defending himself in the departmental enquiry. Counsel for the petitioner submits that even during the enquiry proceeding, the petitioner has not been provided the relevant documents which have been relied upon by the establishment so far as proving of charge is concerned. He submits that the petitioner has not been provided sufficient opportunity to cross-examine the witnesses who have been examined on behalf of the Management in spite of the petitioner making repeated request to the enquiry officer for the same. It is contended that the documents which have been relied upon by the respondents during the departmental enquiry are dated 14.04.2019 i.e. much after the charge sheet had been issued and also much after a considerable proceeding in the departmental enquiry having taken place.

3. Having heard the contentions put forth by the counsel for the petitioner what clearly reveals is that the charge sheet under challenge in the present writ petition is one which was issued in January, 2018. It is almost 1 ½ years that the charge sheet was issued by the department to the petitioner. Another aspect which reveals from the proceedings is that the petitioner in fact has participated in the departmental enquiry all along though he has been raising objection one after another before the enquiry officer.
4. In view of the fact that the petitioner has already appeared before the enquiry officer and is contesting his case on merits, this Court is of the opinion that it would not be proper for this Court at this juncture to exercise the power of judicial review in a departmental enquiry matter. If at all if the

enquiry officer is not acting in accordance with the principles of natural justice or the petitioner has been denied his right of defence in spite of seeking the same, the petitioner would be at liberty to raise this objection before the enquiry officer after the enquiry report is submitted by the enquiry officer. It is expected that the disciplinary authority would consider this aspect before taking a final decision. The petitioner also would be at liberty to challenge the order which would be passed by the disciplinary authority.

5. In view of the same, this Court, at this juncture, does not find any strong case made out by the petitioner to interfere with the impugned charge sheet. The writ petition accordingly stands rejected.

Sd/-
P. Sam Koshy
Judge