

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No. 92 of 2019**

1. South Eastern Coalfields Limited, Through The Chief General Manager, Gevra Project Korba, District Korba, Chhattisgarh
2. South Eastern Coalfields Limited, Through Deputy General Manager, (Mining) Gevra Project Korba, District Korba, Chhattisgarh.
3. South Eastern Coalfields Limited, Through Senior Manager (Work, Gevra Project Korba, District Korba Chhattisgarh.

---- Petitioners**Versus**

Anil Kumar S/o Bihari Lal, Aged About 41 Years, Posted As SECL Gevra Project, R/o Malgaon, Police Station Deepka, District Korba, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Sudhir Kumar Bajpai, Advocate
For Respondent	:	Mr. G. R. Miri with Mr. Basant Kaiwartya, Advocates

Hon'ble Shri Justice P. Sam Koshy**Order On Board****26.06.2019**

1. The present review petition has been filed seeking review of the order dated 27.06.2018, passed in WPS No. 4193/2018 (Anil Kumar v. South Eastern Coal Fields Ltd. & Ors.).
2. The original writ petition was filed assailing the charge sheet dated 07.05.2018. The writ petition was disposed off after hearing the parties. The writ petition was allowed for the following reasons:

“7. Perusal of the Annexure P/1 would reveal that the charge-sheet has not been issued in accordance with provision of the standing order. The charge-sheet also is not in a format, in as much as the articles of charges, the list of documents, list of witnesses, etc. does not find place in the charge-sheet and therefore the same does not seem to be a properly issued charge-sheet.

8. Given the aforesaid facts and circumstances of the case, any departmental enquiry as such would be detrimental to the interest of the petitioner.

*9. This Court thus set asides the charge-sheet issued and the departmental enquiry initiated by the respondents with liberty to the respondents to issue a fresh charge-sheet in accordance with the standard standing order and also ensure that the charge-sheet is issued in a proper format with specific articles of charges, the list of document and list of witness. Further the respondents also are directed to follow the observation of Supreme Court in the case of “**State of Punjab v. Bhagat Ram**” (supra) as also the judgment of Hon'ble Supreme Court in the case of “**Shri Anant R. Kulkarni v. Y.P. Education Society and Others**” reported in (2013) 6 SCC 515 and shall also take care of it during the departmental proceedings.”*

3. Subsequently, now the present review petition has been filed. The only ground which the present petitioners have raised in the review petition is the second page to the charge sheet (Annex.A/2), which refers to list of documents and list of witnesses. According to the petitioners, this part was suppressed by the respondent at the time of filing of the writ petition, and therefore the order deserves to be reviewed.

4. Perusal of the further documents enclosed with the review petition

would reveal that the charge sheet except for first page, does not contain the article of charges, giving details of the alleged misconduct and the specific provision of the standing order pertaining to the misconduct alleged to have been committed by the Non-applicant/respondent.

5. It is settled position of law that a charge sheet is not merely an allegation that is made against an employee. It should also have specific details of the charges leveled and the particular misconduct under the standing order or the service regulations governing the service conditions of the delinquent employee.
6. In the absence of any such details with the charge sheet, only on the ground that the charge sheet was accompanied by a list of documents and the list of witnesses, by itself would not make the documents complete. Thus, this Court does not find any strong case made out by the petitioners for entertaining the review petition.
7. The review petition thus fails and is accordingly dismissed.

Sd/-
P. Sam Koshy
Judge