

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 6105 OF 2019**

1. Zubair Ansari S/o Mohd Moshlim Aged About 46 Years Overman, Bagdeva Mines Katghora, District- Korba, Chhattisgarh.
2. Mahendra Singh S/o Dharam Singh Aged About 45 Years R/o Quarter No. B/195, Post- Katghora, District- Korba, Chhattisgarh.
3. Awadhesh Singh S/o Siddheshwar Singh Aged About 52 Years R/o Quarter No. B/86, Dhelwadih Colony Post Katghora, District- Korba, Chhattisgarh.
4. Upendra Kumar S/o Jeetram Aged About 45 Years R/o Quarter No. B/200, Dhelwadih Colony, Post- Katghora, District- Korba, Chhattisgarh. ... **Petitioners**

versus

1. South Eastern Coalfields Ltd. Through - Its Chairman-Cum-Managing Director, Headquarter Seepat Road, Sarkanda, Bilaspur, Chhattisgarh.
2. The General Manager, Sub-Area, Dhelwadih Singhali Bagdewa Sub-Area, District - Korba, Chhattisgarh.
3. The Deputy Manager (Personnel), Badgdewa Project, Member Committee, District - Korba, Chhattisgarh. ... **Respondents**

For Petitioners	:	Mr. Anil S. Pandey, Advocate.
For Respondents	:	Mr. V.R. Tiwari, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14/08/2019**

1. Challenge in the present writ petition is to the notice dated 31.7.2019 (Annexure P-1).
2. Vide the impugned notice, the respondent authorities have called upon the petitioners to appear before the fact finding enquiry on a complaint received in respect of the alleged fraudulent employment obtained by the petitioners by impersonation.
3. This Court is of the firm view that the present writ petition in its present form would not be maintainable, for the reason that it is only on a preliminary enquiry stage that the petitioners have been called upon for appearing before the fact finding committee. No cause of action as such has arisen enabling this Court to exercise its power of judicial review under Article 226 of the Constitution of India. The fact finding enquiry always initiated to ensure whether any misconduct or fraud has been played by the so called employee or not. If the employee has cogent and sufficient proof, he is supposed to produce the same before the fact finding committee with which it could be determined whether any fraud has been played or not.

4. At this juncture, this Court would not substitute itself as an another administrative body of the department to determine whether a case has been made out or not.

5. Reserving the right of the petitioners to challenge the subsequent decision which could be brought within the ambit of cause of action which is challengeable before the Court of law, the present writ petition in its present form is rejected holding it to be not maintainable.

6. With the aforesaid observation, the writ petition stands dismissed.

Sd/-
(P. Sam Koshy)
JUDGE

/sharad/