

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7549 of 2019

1. Jamuna Prasad, S/o Late Jaimangal, Aged About 41 Years, R/o House No. 106, School Para Pashchim, Village Vishnupur, Tehsil: Baikundpur, District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner

Versus

1. South Eastern Coalfield Ltd., Through Its Chairman Cum Managing Director, Seepat Road, Bilaspur, District : Bilaspur, Chhattisgarh
2. General Manager, South Eastern Coalfield Ltd., G. M. Office, Baikunthpur, Koriya, District : Koriya (Baikunthpur), Chhattisgarh
3. Sub - Deputy Area Manager, South Eastern Coalfield Ltd., Charcha Colliery, Baikunthpur, District : Koriya (Baikunthpur), Chhattisgarh
4. Deputy Chief Personal Manager, South Eastern Coalfield Ltd., Charcha Colliery, Baikunthpur, District : Koriya (Baikunthpur), Chhattisgarh

---Respondents

For Petitioner	:	Mr. Waquar Naiyer, Advocate
For State	:	Mr. Vaibhav Shukla, Advocate

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

23.09.2019

1. The challenge in the present Writ Petition is to the impugned charge-sheet Annexure P-1 dated 22.03.2019.
2. At the outset, this Court is not inclined to entertain the writ petition for the reason that, the charge-sheet was issued more than 6 months back. The petitioner has also duly submitted his reply to the charge-sheet. The disciplinary authority on due consideration of the charge-sheet ordered for holding Departmental Enquiry. The petitioner had

also voluntarily participated in the departmental enquiry and the evidences are now being recorded but suddenly now the present Writ Petition has been filed on the ground *prima-facie* no case is made-out

3. So far as the interference in challenging to the charge-sheet by a High Court is concerned, it is by now well settled principle of law that this Court under Article 226 of the Constitution of India will not substitute itself as another fact finding agent/agency nor can this Court have power under Article 226 of the Constitution of India to hold a roving enquiry threadbare looking into the evidences which are adduced by either side to reach to a conclusion, whether the misconduct has been made or not.
4. Given the said fact, the petitioner had submitted his reply to the charge-sheet and also participated in the departmental enquiry, this Court is not inclined to entertain the Writ Petition.
5. Accordingly, the present Writ Petition stands rejected. However, the Enquiry Officer is expected to consider all the documents and evidences which the petitioner has or shall produce before the Enquiry Officer in the course of inquiry and only after due consideration and appreciation of these facts and evidence would he submit the enquiry report.

Sd/-
(P. Sam Koshy)
Judge