

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1878 of 2020

Ved Prakash Pandey S/o Mangal Deo Pandey R/o Flat No. 94, Pocket-A, Sarita Vihar, New Delhi- 110076, presently posted as Additional General Manager (C and M), SSC (Shared Service Centre), ER-I, Barh STPP, NTPC Limited, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.

... .. Petitioner/s

Versus

1. NTPC Limited through its Chairman and Managing Director, NTPC Bhawan, Core-7, SCOPE, Complex, Institutional Area, Lodhi Road, New Delhi- 110003.
2. The Head of Project Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
3. Mr. Prakash Tiwary Aged about 59 years, Male, Director (Operation), NTPC Limited,-cum- the Disciplinary Authority, Official Address at NTPC Bhawan, Core-7, SCOPE Complex, Institutional Area, Lodhi Road, New Delhi- 110003.
4. Mr. C.V. Anand Age about 58 years, male, Ex-ED (OS) presently RED (WR-I), NTPC Limited-cum- the Inquiry Officer, Present Official Address at Samruddhi Venture Park, 2nd Floor, MIDC, Marol, Andheri (E), Mumbai-400093.
5. Mr. Hitlar Borah Aged about 54 years, male, Senior Manager (Vigilance), Kahalgaon STPP cum- the presenting Officer, office at Kahalgaon Super Thermal Power Project, NTPC Limited, P.O. and P.S.- Kahalgaon, District-Bhagalpur, Bihar- 813214.
6. Mr. Onkar Nath Aged about 43 years, male DGM (HR), ER-I HQ, Patna, NTPC Limited-cum- Management Witness, Office at, Eastern Region-I Headquarters, NTPC Limited, 2nd Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.O.- G.P.O, P.S.- Kotwali, Patna, 800001- Bihar.
7. Mr. Harjendra Singh Aged about 47 years, male DGM (F and A), Kawas Gas Power Project cum Management Witness, office at Kawas Gas Power Project, NTPC Ltd., P.O.- Aditya Nagar, P.S.- Kawas, Surat, Gujrat- 394516.
8. Mr. Karan Singh Garbyal Aged about 61 years, male, Ex HOP, Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215 and Ex. RED, ER-I, Patna, Office at Eastern Region-I Headquarters, NTPC Limited, 2nd Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.O.- GPO, P.S.- Kotwali, Patna, 800001- Bihar.
9. Sh. Umesh Prasad Pani Aged about 62 years, male, Ex- RED (ER-I), NTPC Limited, Patna, office at Eastern Region-I Headquarters, NTPC Limited, 2nd Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.O.- GPO, P.S.- Kotwali, Patna, 800001- Bihar and Ex- Director (HR), NTPC Limited, NTPC Bhawan, Core-7, SCOPE Complex, Institutional Area, Lodhi Road, New Delhi- 110003 and.
10. Mr. Khaleequr Rehman Aged about 59 years, male, Ex. Manager (Civil). Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215, office at NTPC Camp Office, 1st and 2nd Floor, National Battery



Center, Vishnu Puri Khandwa Road, Khargone, Distt- Khargone-451001(M.P.)

11. Mr. Enamul Haque Aged about 60 years, male, Ex. AGM (Civil), Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.-Patna, Bihar, 803215.
12. Mr. K.C. Das Aged about 61 years, male Ex. AGM (Civil), Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
13. Mr. K.V. Adivaran Aged about 62 years, male, Ex HOP, Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
14. Mr. Natraj Saha Ex General Manager, Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
15. Mr. Janardan Kar Aged about 63 years, male, Ex HOP, Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
16. Mr. R.S. Singh Aged about 67 years, male, Ex HOP, Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
17. Mr. Rati Kanta Samantray Aged about 61 years, male, Ex GM (Finance), Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
18. Mr. S.V. Murthy Aged about 61 years, male, Ex AGM (Finance), Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
19. Mr. S.P. Upadhyay Aged about 57 years, male, Ex HOD (Finance), Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
20. Mr. Aged about 66 years, male, Ex HOD (Finance), Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
21. Mr. S.B. Dutta Aged about 66 years, male, Ex DGM (F and A), Barh STPP, A.K. Maity NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
22. Mr. Adhikram Bandyopadhyay Aged about 61 years, male, Ex HOD (C and M), Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
23. Mr. Alok Patra Aged about 59 years, male, Ex HOD (C and M), Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
24. Mr. V.K. Singh Aged about 61 years, male, Ex AGM (C and M- Stores), Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
25. Mr. Ch. V. Rao Aged about 59 years, male, Ex AGM (C and M), Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
26. Mr. Subash Chandra Dash Aged about 56 years, male, Ex. Sr. Manager (Store), Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
27. Mr. Sujit Kumar Aged about 40 years, male, Ex. Manager (Stores), Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
28. Mr. P.K. Sahoo Aged about 58 years, male, Ex. Sr. Engineer (stores), Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
29. Mr. Nityanand Hazra Aged about 58 years, male, Ex Material Officer, Barh



STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.

30. Mr. Lawrence Augustine Aged about 61 years, male, Ex. Sub officer, Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
31. Sh. Vishwanath Chandan Aged about 45 years, male, Ex PRO, Barh STPP, office at Eastern Region-I Headquarters, NTPC Limited, 2nd Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.O.- GPO, P.S.- Kotwali, Patna, 800001- Bihar.
32. Mr. D. Chakarborty Aged about 62 years, male, Ex. ED (Vigilance) and Ex-ED (HR), NTPC Bhawan, SCOPE Complex, Institutional Area, Lodhi Road, New Delhi- 110005 and Ex- AGM (Projects), Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
33. Mr. V.K. Kanungo Aged about 54 years, male, AGM (Corp. Vig.), Engineering Office Complex, NTPC LTD, Sector- 24, Noida, U.P.- 201301.
34. Mr. Manoj Kumar Aged about 40 years, male, Ex. Inspector, CISF, Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
35. Mr. K.K. Singh Aged about 36 years, male, Ex Deputy Commandant, CISF, Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.
36. Mr. Subrat Ghosh Aged about 40 years, male, Ex Assistant Commandant, CISF, Barh STPP, NTPC Ltd, P.O. and P.S.- NTPC Barh, Dist.- Patna, Bihar, 803215.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Sinha Mr. Vagisha Pragya Vacaknavi
For the Respondent/s	:	Mr.Amaresh Kumar Sinha
For NTPC	:	Mr. Tuhin Shankar

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT**

Date : 20-02-2020

The petitioner, the Additional General Manager, (C & M) SSC (Shared Service Centre) at NTPC, Barh, seeks quashing of the entire disciplinary proceedings including the memorandum of charge dated 10.7.2018 as being vindictive.



It is submitted that the petitioner has been victimised as he was raising his voice against the deep rooted corruption in the organisation involving the highest level in the management.

The pleadings make is abundantly clear that the petitioner has been participating in the enquiry since initiation of the same under charge memo dated 10.7.2018. He has also cross examined the management witnesses. He however submits that the proceedings being conducted against him suffers from various procedural lapse striking at the root of fairness.

From the pleadings in the writ petition it is apparent that the petitioner has raised objection of non supply of certain documents. It is further apparent from a bare reading of para 42 of the writ petition that the petitioner has also been allowed an opportunity to cross-examine two management witnesses. The pleadings are such that they cast a question mark on the fairness with which the authorities have proceeded. The petitioner has alleged that he is being seriously prejudiced by unfair procedure being adopted at the enquiry.

Having considered the said pleadings, this Court would observe that the proceedings have a long way to go. This Court would not exercise jurisdiction under Article 226 of the Constitution of India to speculate whether the proceeding would



culminate in submission of enquiry report holding the charges to be proved and that the petitioner would not get a fair treatment by the Disciplinary Authority as well. Such an exercise would be purely academic at this stage of the departmental proceeding. The competent authorities in the proceedings were yet to decide whether the charges against the petitioner are proved or not.

In the aforesaid circumstances this Court is of the considered opinion that this is not the appropriate stage to interfere into the matter. No case is made out for interference at this stage. Refusal to exercise jurisdiction at this stage however will not in any way have any adverse affect on the petitioner's right to raise all issues, including the issue of mala fide, if need arises.

The writ petition is premature. The same is accordingly dismissed.

(Madhuresh Prasad, J)

SNkumar/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	21.09.2020
Transmission Date	N/A

