

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2912 of 2020

- Ramkyash S/o Shri Balkrishna, Aged About 50 Years R/o Quarter No. M.D.-779-D, Deepka Colony, Post Office Gevra, District Korba Chhattisgarh

---- Petitioner

Versus

1. South Eastern Coalfields Limited Through Chairman-Cum-Managing Director, South Eastern Coalfields Limited, Seepat Road, Police Station Sarkanda, District Bilaspur Chhattisgarh
2. General Manager (Mining), South Eastern Coalfields Limited, Gevra Project, District Korba Chhattisgarh
3. The Deputy General Manager (M)/ Colliery Manager, South Eastern Coalfields Limited, Gevra Project, District Korba Chhattisgarh,
4. Vinod Kumar Sinha, The Deputy General Manager, South Eastern Coalfields Limited, Gevra Project, District Korba Chhattisgarh,
5. R.K. Mishra, Inquiry Officer, South Eastern Coalfields Limited, Gevra Project, District Korba Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Amrito Das, Advocate
For S.E.C.L.	:	Mr. K.K. Shrivastava, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/07/2020

1. Heard
2. Learned counsel for the petitioner submits that on the earlier occasion when the chargesheet and departmental enquiry of the petitioner was subject of challenge, this Court on 10.01.2020 in

WPS No. 50/2020 has passed the following order:-

“5. In view of the submission made, it is directed that the show cause notice (Annexure P-7) shall stand quashed. As the submission is made on behalf of the respondents that they shall hold the enquiry de novo, it goes without saying that during the course of enquiry the rules of natural justice shall be followed by providing the documents giving the names of witnesses which are fairly required to defend the case of a person.

6. In the facts and circumstances of the case, this Court was inclined to impose the cost. However, since the request has been made by the respondents' counsel that in future course, the same action shall not be repeated, the Court is not inclined to impose cost at this stage. The Respondents/SECL shall be free to take a suitable action against any erroneous employee/officer, if so advised.”

3. Learned counsel for the petitioner submits that thereafter again, without adhering to the earlier direction issued, another notice has been issued on 11.07.2020 (Annexure P/1) wherein the petitioner has been directed to appear on 13.07.2020, therefore there is a gross violation of the earlier direction given by this Court.
4. The respondents' counsel on instructions submits that the respondents are ready to conduct the fresh enquiry and shall abide by the earlier direction given by this Court in WPS No. 50/2020, however, the petitioner should also cooperate during the enquiry.
5. Reading of the document would show that already the direction has been given by this Court and the respondents are ready to comply with the same, therefore, no useful purpose would be served to keep

this petition pending. The respondents shall not proceed with the chargesheet which is impugned followed by any enquiry and shall abide by the direction given by this Court earlier (supra). Consequently, the notice dated 11.07.2020 (Annexure P/1) is quashed. The direction which was given earlier shall be complied with and the petitioner is also expected to cooperate during the enquiry.

6. Accordingly, the writ petition stands allowed to the extent indicated hereinabove.

Sd/-
(Goutam Bhaduri)
Judge

Vishakha