

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5182 of 2020**

Suraj Prasad Auchagalle S/o Shri Pitambar Ram Auchagalle Aged About
52 Years R/o Village Sontarai, Post Devgarh, Tahsil And Police Station
Sitapur, District Surguja Chhattisgarh

---- Petitioner**Versus**

1. General Manager (Operational) Chhattisgarh Rajya Gramin Bank,
Mahadev Ghat Road, Sundar Nagar, Raipur, District Raipur Chhattisgarh
2. Co- General Manager (Administration / Disciplinary Authority Chhattisgarh
Rajya Gramin Bank, Mahadev Ghat Road, Sundar Nagar, Raipur, District
Raipur Chhattisgarh
3. Area Manager Chhattisgarh Rajya Gramin Bank, School Road,
Baikunthpur District Korea Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Abhishek Pandey with Ms. Deepika Sannat, Advocates
For Respondent/s	:	Mr. N. Naha Roy, Advocate

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

14/12/2020

1. The challenge in the present writ petition is to the charge sheet Annexure
P-1 dated 20.05.2020.
2. The charge sheet now has been challenged on the ground that charge
sheet does not accompany list of witnesses and list of documents which
the respondents intend to produce in the course of the departmental
enquiry. Counsel for the petitioner submits that charge sheet itself has
been issued after more than 1 ½ years of time, while the petitioner was

under suspension i.e. on 20.09.2018. That too after the filing of the writ petition before this Court challenging the order of suspension.

3. The plain reading of the allegations leveled against the petitioner would by itself show that the allegations are of very serious in nature. However, the law laid down by the Supreme Court time and again is when the charge sheet is issued, It would show the list of witnesses and list of documents which the respondents are relying upon and adduced in the course of departmental enquiry. The reason and object for providing the list of witnesses and list of documents is to ensure that basic principle of natural justice gets followed in the course of conducting the departmental enquiry. Another reason why these documents and list of witnesses are to accompany with the charge sheet is to provide for a fair and reasonable opportunity of defence to the delinquent employee in as much as the delinquent employee should not be taken by surprise in respect of materials and witnesses that would be adduced in the course of the departmental enquiry.
4. Supreme Court dealing with the disciplinary proceedings initiated under the Banking Sector has held that it may not be practically feasible to provide the entire documents which are otherwise maintained in the bank like ledgers, registers etc but the delinquent therein definitely would have the right to visit the bank to peruse the records in respect of the alleged transactions which have been said to have been misconducted by the delinquent. The petitioner however would be entitled to know the documents and details of the documents and also the list of witnesses which the respondent Bank would be adducing in the course of the departmental enquiry.
5. Counsel for the parties submits that pursuant to the charge sheet that was issued the petitioner had submitted a detailed reply on 10.07.2020 and finding the reply to be unsatisfactory, the respondent authorities have

appointed an Enquiry Officer as also a Presenting Officer to conduct the departmental enquiry.

6. Taking into consideration the nature of allegations and development that have transpired in between, this Court is of the opinion that respondent can still before proceeding further with the departmental enquiry can provide the petitioner with the list of witnesses and list of documents which they intend to produce in the course of departmental enquiry. The respondent Bank is also expected to permit the petitioner to peruse the entire records maintained at the place of those documents by providing time on which the petitioner should visit or have the right to peruse those documents.
7. It is expected that respondents now before proceeding with the departmental enquiry would provide to peruse these details and informations to the petitioner in advance and only thereafter should proceed with the departmental enquiry.
8. Taking into consideration the fact that order of suspension has been issued as early as on 20.09.2018 i.e. for a period of more than 2 years now, It is expected that respondent Bank shall ensure that departmental enquiry is concluded at the earliest subject to the petitioner rendering full cooperation in the early conclusion of the departmental enquiry preferably within a period of six months'.
9. With the aforesaid observations, the present writ petition stands disposed of.

Rohit

Sd/-
(P. Sam Koshy)
Judge