

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.4435 of 2011

Anil Kumar Trivedi, S/o Late P.D. Trivedi, aged about 51 years, R/o Through the Shushil Kumar Hajari (Advocate), Advocate Chambers, Tahsil Office, Neharu Chowk, Bilaspur (C.G.)

---- Petitioner

Versus

1. Coal India Limited, Through the Chairman, Coal Bhawan, 10, Netaji Subhash Road, Kolkata (West Bengal)
2. The Chief Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur (C.G.)
3. The Director Personal, S.E.C.L. Seepat Road, Bilaspur, District Bilaspur (C.G.)
4. The Deputy General Manager, S.E.C.L. Chhote Atarmuda, Raigarh Area, District Raigarh (C.G.)
5. The Deputy Chief Mining Engineer (C.M.E.), S.E.C.L. Chhote Atarmuda, Raigarh Area, District Raigarh (C.G.)

---- Respondents

 For Petitioner: Mr. Palash Tiwari, Advocate.
 For Respondents/State: Mr. Vinod Deshmukh, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

16/08/2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. Mr. Palash Tiwari, learned counsel appearing for the petitioner, would submit that the appellate authority has dismissed the appeal affirming the order of the disciplinary authority inflicting the penalty of dismissal from service by an unreasoned and non-speaking order, whereas reasoned and speaking order ought to have been passed dealing with the submissions and contentions made by the petitioner and nothing

has been considered except certifying the order of the disciplinary authority to be correct, which is unsustainable and bad in law.

3. Mr. Vinod Deshmukh, learned counsel for the respondents, would support the impugned orders.
4. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the record with utmost circumspection.
5. It is correct to say that the petitioner has been removed from service by the South Eastern Coalfields Limited (SECL) by order dated 16-12-2009 against which pursuant to the order of this Court, the petitioner preferred an appeal as per clause 30 of the Standing Orders and the appellate authority by its brief order simply recorded a finding that the disciplinary authority has served charge-sheet and documents, enquiry has been conducted ex parte, and oral and documentary evidence has been adduced which is sufficient to inflict the penalty of removal from service. As such, the appellate authority has failed to consider the appeal on merits and finding has not been recorded as to whether the findings recorded by the disciplinary authority are justified on the basis of documentary evidence, whether the procedure laid down in the Standing Orders has been followed while removing the services of the petitioner and whether the punishment imposed upon the petitioner is proper or excessive to the guilt of the petitioner which could have been done by a speaking and reasoned order. Merely mentioning that enquiry has been conducted in accordance with law is nothing but failure to perform duty by the appellate authority in accordance with law. Accordingly, the impugned order dated 27-5-2010 is set aside and the matter is remitted to the appellate authority to consider the appeal on merits strictly in accordance with law and

pass a reasoned and speaking order after hearing the petitioner within two months from the date of receipt of a copy of this order. This Court has not expressed any opinion on the merits of the matter.

6. With the aforesaid observation and direction, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma