

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 700 of 2021**

Ramakant Singh S/o Kedarnath Singh Aged About 56 Years R/o B 206
Shakti Nagar Post Office Jarhi Bhatgaon District Surajpur Chhattisgarh.

---- Petitioner**Versus**

1. South Eastern Coalfields Limited Through It Chairman And Managing Director Head Quarters Seepat Road Sarkanda Bilaspur Chhattisgarh.
2. General Manager South Eastern Coalfields Limited Raigarh Area Chhote Atarmuda Raigarh District Raigarh Chhattisgarh.
3. Sub Area Manager Secl Sub Area Baroud Raigarh District Raigarh Chhattisgarh
4. Sub Area Manager Chhal Sub Area Secl Raigarh District Raigarh Chhattisgarh
5. Colliery Manager Baroud OCM SECL Baroud Raigarh District Raigarh Chhattisgarh
6. Chief Manager Vigilance Department Secl Sipat Road Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sushobhit Singh, Advocate
For Respondents	:	Mr. Vinod Kumar Deshmukh, Advocate

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

23/02/2021

1. The present writ petition has been filed claiming for the following reliefs:

“10.1. That, this Hon'ble Court may kindly be pleased to issue appropriate writ, order, direction and direct the respondents to supply all the sought by the petitioner which was requested by the petitioner to the respondents so as to enable the petitioner to effectively present his defence in the departmental enquiry.

10.2. That, this Hon'ble Court may kindly be pleased to direct the respondents restraining them from initiating any criminal prosecution and the respondents may be further directed not to resort to any coercive measures of

incarceration of the petitioner till the conclusion of departmental proceedings.

10.3. That, this Hon'ble Court may kindly be pleased to direct that the petitioner may be afforded proper opportunity of hearing before any adverse coercive action of criminal prosecution is taken against the petitioner."

2. Prima-facie this Court is of the opinion that the relief sought for by the petitioner would not be one, which could be entertained at this juncture. The petitioner, who is an employee working under the respondents, is subjected to a departmental enquiry and which is in progress and the petitioner is also participating in the said departmental enquiry. Meanwhile, the petitioner has learnt that the respondents are also taking some criminal action against the petitioner for the alleged criminal act that the petitioner has committed and the petitioner now wants the respondents to be restrained from initiating criminal prosecution against him or at least he be granted an opportunity before any such step is taken by the respondents.
3. Both these reliefs cannot be granted by this Court at this stage. In case if the employer or the respondents find that there is some cognizable offence which has been committed by the petitioner, this Court cannot restrain by issuing a writ to the respondents from initiating any criminal prosecution for the said act or offence. The petitioner would be at liberty to avail appropriate remedies available to him in respect of the said criminal prosecution and all his apprehensions under the Criminal Law Jurisdiction and if such an occasion arises, thereafter to approach this Court. According to the petitioner himself the enquiry is at its fag end and in all likelihood is to be concluded at the earliest.

4. Given the said facts, this Court does not find any strong case made out by the petitioner calling for an interference or an issuance of a writ of any nature at this juncture. The writ petition therefore stands rejected reserving the right of the petitioner to avail appropriate remedy available to him under the Criminal Law Jurisdiction.

Sd/-
(P. Sam Koshy)
Judge

Ved