

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1306 of 2021**

1. Hiralal Rathour S/o Shri Jagdev Rathour Aged About 59 Years R/o Vivek Nagar, Post Kilhauri, District Anuppur Tehsil Anuppur M. P. Thana Chachai.

---- Petitioner**Versus**

1. South Eastern Coalfields Limited Through The Chairman Cum Managing Director, Bilaspur Head Quarter, Seepat Road, Bilaspur Chhattisgarh
2. South Eastern Coalfields Limited Through The Director Personal Bilaspur Head Quarter, Seepat Road, Bilaspur Chhattisgarh
3. South Eastern Coalfields Limited Through The General Manager, Sohagpur Area, Sharda Sub Area SECL Sohagpur Area District Shahdol M. P.
4. South Eastern Coalfields Limited Through The Sub Area Manager, Burhar, Sohagpur Area, Sharda Sub Area Secl Sohagpur Area District Shahdol M. P.
5. South Eastern Coalfields Limited Through The Area Personal Manager, Sohagpur Area, Sharda Open Cast Mine, District Shahdol M. P.

----Respondents

For Petitioner	:	Dr. N. K. Shukla, Sr. Advocate along with Shri Arjit Tiwari, Advocate.
For Res./SECL	:	Shri Vinod Deshmukh, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/02/2021**

1. The challenge in the present writ petition is to the initiation of the disciplinary proceedings by the respondents. The initiation of the disciplinary proceedings appears to be on the basis of a complaint received in-respect-of the petitioner obtaining employment by impersonating himself in the name of the some other persons.

2. Learned Sr. counsel appearing for the petitioner submits that the petitioner has been appointed as early as on 16.02.1988 and as such the petitioner has put in about 32 years of service and he has almost reached at fag end of the service career and is on the verge of retirement. That all these period there were no complaint whatsoever in-respect-of the status and identity of the petitioner is concerned. Moreover, there are a large number of documents and other proof available with the petitioner which would establish that he is in-fact the same person against whose name he has got employment.
3. This Court considering the facts and circumstances of the case is of the opinion that since it is only initiation of the Disciplinary Proceedings and the respondents have called upon the petitioner to furnish all available proof and records in his possession to establish his identity in-respect-of the name against which he has got his employment and also establishing the fact that he is in-fact the same person in the name of which he has got employment. The burden now shifts upon the petitioner to produce all the documents and records before the Enquiry Officer and who in the course of conducting the enquiry shall duly consider all these documents and also take note of all the evidences which the petitioner shall adduce in support of his contention and only thereafter take an appropriate decision in accordance with Law.
4. The Writ Court at this juncture would not substitute itself as a fact finding body to inquire into the veracity of complaints that has been leveled against the petitioner.

5. The writ petition thus being devoid of merits stands rejected at this juncture. However, it is expected that the respondent-authorities particularly the Enquiry Officer shall take due steps in providing all opportunity of defence to the petitioner and shall also duly consider upon all the documents and proof that the petitioner shall produce in the course of enquiry while submitting his report to the disciplinary authority.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Jyotijha