

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2568 of 2021

Sagun Singh Thakur S/o Late Madhu Singh Thakur Aged About 61 Years
Office Assistant Grade 3, O/o The Executive Engineer (S/s Division) ,
Chhattisgarh State Power Transmission Co. Ltd., Bhilai 3, District Durg
Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary , Department Of Energy,
Mantralaya , Mahanadi Bhawan, New Raipur , District Raipur
Chhattisgarh.
2. Chairman Chhattisgarh State Power Transmission Company Limited
Daganiya, Raipur Chhattisgarh.
3. Central Internal Complaint Redressal Committee Through Its Chairman,
O/o Executive Director (Load And Dispatch), Chhattisgarh State Power
Transmission Company Limited, Daganiya , Raipur Chhattisgarh
4. Managing Director Chhattisgarh State Power Transmission Company
Limited, Daganiya, Raipur Chhattisgarh.
5. Executive Director Substation Division Operation And Maintenance,
Chhattisgarh State Power Transmission Company Limited Daganiya
Raipur Chhattisgarh.
6. Superintending Engineer Substation Division Operation And
Maintenance, Chhattisgarh State Power Transmission Company
Limited Bhilai 3, District Durg Chhattisgarh.
7. Executive Engineer Substation Division, Chhattisgarh State Power
Transmission Company Limited , Bhilai 3, District Durg Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Anupam Dubey, Advocate
For State	:	Mr. Rahul Jha, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/05/2021

1. The challenge in the present writ petition is to the impugned charge-sheet dated 03.04.2021. By way of the charge-sheet, the petitioner has been subjected to disciplinary proceedings on certain alleged misconducts under the service regulations.

2. The primary challenge to the charge-sheet is on the competency of the authority who has issued the charge-sheet. According to the petitioner, the authority who has issued the charge-sheet i.e. the Executive Engineer is not competent to issue the charge-sheet as he is neither the Disciplinary Authority nor has he being delegated with the powers for initiating disciplinary proceedings.
3. Perusal of the documents enclosed along with the writ petition, particularly Annexure P/9 dated 01.12.2017, the respondent-Company has delegated the power of the company so far as imposition of penalty/appeal to different authorities. For the class-III employees the authority to impose penalty is prescribed as AGM(HR). According to the petitioner, since the authority who has issued the charge-sheet is not the AGM(HR), the same would not be sustainable.
4. The said contention of the petitioner may not be sustainable for the reason that Annexure P/9 is one which delegates the power on the AGM(HR) for imposition of penalty, whereas the issue involved in the present writ petition is only the issuance of a charge-sheet. Merely because the charge-sheet has been issued by an authority other than the AGM(HR) by itself would not vitiate the disciplinary proceedings on the ground of competency for the reason that it is only the penalty or the order of punishment, which has to be issued by either the Disciplinary Authority or the authority, who has been delegated with the said power, which in the instant case is the AGM(HR). Thus, for the said reason alone the charge-sheet issued by the authorities does not warrant interference.

5. As regards, the contention of the petitioner in respect of the report submitted by the committee constituted by the establishment for inquiry relating to sexual harassment at work place. Since the said issue is not the bone of contention in the present writ petition, neither is the said report under challenge in the present writ petition, the same cannot be considered by this Court in the present set of facts of the writ petition. Reserving the right of the petitioner to challenge the same in accordance with law by way of an appropriate proceeding/appeal, the writ petition at this juncture stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved