

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3091 of 2021

Hanuman S/o Shri Vishwanath Aged About 50 Years R/o House Number B-92 New B-Type Colony Pandavpara, Post Pandavpara, Police Station Patna District Korea Chhattisgarh Presently Posted As Overman Pandavpara Mines Jhilmili (Sub-Area) Baikunthpur Area

---- Petitioner

Versus

1. South Eastern Coalfields Limited Through Chairman Cum Managing Director, South Eastern Coalfields Limited Bilaspur Head Quarter, Seepat Road Bilaspur Chhattisgarh
2. South Eastern Coalfields Limited Through Director Personal, South Eastern Coalfields Limited Bilaspur Head Quarter, Seepat Road Bilaspur Chhattisgarh
3. South Eastern Coalfields Limited Through General Manager, South Eastern Coalfields Limited, Baikunthpur Area District Koriya Chhattisgarh
4. South Eastern Coalfields Limited Through Senior Manager Mining Pandavpara Colliery Manager Baikunthpur Area, South Eastern Coalfields Limited, District Koriya Chhattisgarh
5. South Eastern Coalfields Limited, Through Area Personnel Manager Pandavpara Colliery Manager Baikunthpur Area, South Eastern Coalfields Limited, District Koriya Chhattisgarh
6. State Of Chhattisgarh Through Secretary, Department Of Home Affairs, Mantralaya, Atal Nagar, Naya Raipur Raipur District Raipur Chhattisgarh
7. Additional Collector Surajpur Collector Office, District Surajpur Chhattisgarh
8. Sub Divisional Officer Surajpur District Surajpur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Nirmal Shukla, Sr. Advocate with Ms. Rashika Soni, Advocate
For State/Res. No.6 to 8	:	Ms. Akansha Jain, Dy. AG

For SECL/Res. No.1 to 5 : Mr. Vinod Deshmukh, Advocate

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

02/07/2021

1. The present writ petition has been filed seeking for following reliefs :-

“10.1 That this Hon'ble Court may kindly be pleased to issue an appropriate writ/order/direction to Respondents to quash the impugned succeeding enquiry initiated for same allegations.

10.2 The Hon'ble Court may kindly be pleased to issue appropriate direction/order to the Respondents to provide the dues to the petitioner which were suspended during suspension of the petitioner.

10.3 Cost of the proceedings.”

2. The facts of the case in brief is that the petitioner was working under the respondents as a Overman. The petitioner was served with a charge sheet on 05.06.2011. The allegation against the petitioner is that of obtaining the employment on the basis of false certificate. The initiation of disciplinary proceedings was subjected to challenge in WPS 4728/2011 along with other similarly placed persons. This High Court initially vide order dated 07.02.2012 granted interim order in favour of the employees to the extent that respondents may proceed with the departmental enquiry but no final order should be passed. Subsequently, on 13.04.2018, the writ petition so far as petitioner is concerned stood dismissed. Subsequently, the respondents have proceeded further with the departmental enquiry. The present writ petition now has been filed with the aforementioned relief on the ground primarily that the enquiry in the past was already concluded,

the Enquiry Officer has also submitted his report to the disciplinary authority and the enquiry report perhaps is in favour of the petitioner, yet respondents without providing the petitioner with an enquiry report are proceeding further with the disciplinary proceedings.

3. Learned counsel appearing for the respondent, SECL today submits that he has instructions to state that subsequent proceedings with the enquiry was only after the dismissal of the writ petition on 13.04.2018. It is not a fresh enquiry in any manner. It is only in continuation to the earlier enquiry. Learned counsel for respondents further submits that enquiry in which the petitioner has been called upon is only for the further proceeding in the same enquiry that too from the stage it was left at. According to the respondents they do not have any enquiry report from the earlier Enquiry Officer and it is being proceeded further from the stage the department has received the proceedings from the earlier Enquiry Officer and the Department have now appointed a new Enquiry Officer to proceed further with.
4. Given the said submissions by the learned counsel for the respondents, this Court has no hesitation in holding that the initiation of the proceedings is only a further proceeding to the earlier enquiry which was ordered to be conducted on the charge sheet dated 05.06.2011.
5. Since the counsel for the respondents themselves state that they would be proceeding only from the stage the enquiry had reached under the earlier Enquiry Officer, it lays to rest the apprehension of the petitioner that enquiry has not been concluded. However, in case if the petitioners do have any documents of any proceeding earlier drawn which the Enquiry Officer has ignored while proceeding, he would be at liberty to produce the same before the Enquiry Officer and Enquiry Officer in turn shall duly

appreciate the contents of the same and take appropriate recourse in accordance with the rules and regulations governing the field. Since the charge sheet is of the year 2011, subject to the co-operation rendered by the petitioner, the respondents are expected to conclude the enquiry at the earliest so as to avoid unnecessary harassment of the petitioner in facing the enquiry for so long a period.

6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit