

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 3299 of 2021

1. Ravindra Kumar Singh S/o Shri Mahendra Singh Aged About 48 Years R/o Village- Datima, Tehsil- Surajpur, District- Surajpur, Chhattisgarh. Presently Residing At Village- Bhatgaon, Tehsil- Bhaiyathan, Police Station- Bhatgaon, District- Surajpur, Chhattisgarh. Presently Posted at Establishment Section as Billing Clerk, Bhatgaon Area.

---Petitioner(s)

Versus

1. South Eastern Coalfields Limited Through Chairman Cum Managing Director, South Eastern Coalfields Limited Bilaspur Head Quarters, Seepat Road, Bilaspur, Chhattisgarh.
2. South Eastern Coalfields Limited Through Director Personal, South Eastern Coalfields Limited, Bilaspur Head Quarters, Seepat Road, Bilaspur, Chhattisgarh.
3. South Eastern Coalfields Limited Through General Manager, South Eastern Coalfields Limited, Bhatgaon Area, District- Surajpur, Chhattisgarh.
4. South Eastern Coalfields Limited Through Senior Manager, Mining Pandavpara, Colliery Manager, Bhatgaon Area, South Eastern Coalfields Limited, District- Surajpur, Chhattisgarh.
5. South Eastern Coalfields Limited Through Area Personnel Manager, Pandavpara, Colliery Manager, Bhatgaon Area, South Eastern Coalfields Limited, District- Surajpur, Chhattisgarh.

---Respondents

For Petitioner	:	Dr. NK Shukla, Sr. Advocate along with Shri Arjit Tiwari, Advocate.
For Respondents	:	Shri Vinod Deshmukh, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06.07.2021

1. Challenge in the present writ petition is to the impugned second show cause notice dated 12.06.2021.
2. The second show cause notice is being challenged primarily on the ground that the petitioner was already subjected to departmental enquiry at the first instance and where the enquiry officer has submitted his report exonerating the petitioner of the very same charges and the subsequent the enquiry report, on the basis of which second show cause notice has been issued is just in self contradiction to each other and therefore the

very initiation of the second show cause notice and the further proceeding of the departmental enquiry should be stalled at this juncture.

- 3.** It is pertinent to mention at this juncture that the allegation against the petitioner was that of getting appointment by impersonating himself. The petitioner was subjected to a departmental enquiry by issuing a charge sheet at the first instance on 23.07.2014 and a departmental enquiry was initiated and an enquiry report was submitted on 18.08.2015. The enquiry report submitted by the enquiry officer was not accepted by the disciplinary authority, who, in turn, ordered for a fresh de-novo enquiry vide order dated 06/07.02.2018. The said order was subjected to challenge in writ petition WPS No.4161 of 2020. This court dismissed the said writ petition upholding the action on the part of the disciplinary authority in ordering for a de-novo enquiry. The said order of this court was put to challenge in a writ appeal vide Writ Appeal No.161 of 2021 which finally was withdrawn on 18.06.2021. Now the disciplinary proceedings stands concluded and an enquiry report was submitted to the disciplinary authority who in turn has now issued the second show cause notice dated 12.06.2021 which is under challenge in the present writ petition.
- 4.** Considering the fact that the second show cause notice is on the basis of subsequent enquiry which was held after the disciplinary authority had ordered for a de-novo enquiry and the second show cause notice now has been issued on the basis of the enquiry report that was submitted by the enquiry officer, this court is of the firm view that this is not the stage at which the High Court in exercise of its power of judicial review under Article 226 of the Constitution of India can be exercised. The law so far as interference at the show cause notice stage is by now well settled. The petitioner has all the opportunity to explain and give his reply to the second

show cause notice which on being moved, the disciplinary authority is expected to consider the same on its own merits and then take an appropriate decision on the enquiry report. Unless a decision is taken by the disciplinary authority, it would be premature for this court at this juncture to interfere with the disciplinary proceedings that too at the second show cause notice level/stage.

5. Subject to the petitioner giving a detailed reply to the second show cause notice and if the reply/explanation that the petitioner submits to the disciplinary authority, the disciplinary authority may get convinced with his submissions that the proceedings could be dropped therefore also it would not be proper for this court to interfere with the disciplinary proceeding at this stage. Reserving the right of the petitioner to submit a detailed reply to the second show cause notice before the disciplinary authority, the present writ petition at this juncture stands disposed of.
6. In case if the petitioner has not submitted his explanation to the disciplinary authority till now and in case if the disciplinary authority has not taken a decision on the second show cause notice till date i.e. today on 06.07.2021, the petitioner would be permitted to submit his explanation to the disciplinary authority within a period of seven days from the date of receipt of copy of this order and the disciplinary authority, as observed earlier if final orders have not been passed, shall duly consider the explanation that the petitioner submits and only thereafter an appropriate decision shall be taken on its own merits.
7. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge