

10.06.2026

Ct. No. 7
Sl. No.12
RANJAN

WPA 12312 of 2023

**MANIK SAIN
VS.
EASTERN COALFIELDS LIMITED AND ORS.**

Mr. Nirmalendu Ganguly

....for the petitioner

Ms. Priti Banerjee
Ms. Swapna Sikder

....for the respondent E.C.L.

The petitioner was an employee of Eastern Coalfields Limited and was superannuated with effect from 31st December, 2019. In the course of employment, the petitioner had been engaged as a security guard and was responsible for the Store Area where valuable properties and machinery of the respondent company were stored.

During the course of employment, the petitioner was charged with theft of substantial quantity (02 reels) of 1000 mm conveyor belts from the area and a criminal complaint was filed against the petitioner alongwith other accomplices. The reels which were stolen were valued at approximately Rs. 50,00,000/- and were found missing from the Jhanjra Area Store which the petitioner was to guard. Subsequently, departmental proceedings were initiated and the respondent authorities found the petitioner to be in dereliction of duty and appropriate steps were taken in respect thereof.

The grievance of the petitioner in this writ petition pertains to non-payment of subsistence allowance during the enquiry period of 35 days.

It appears from the records that admittedly on those days the petitioner neither marked his attendance at the place of posting nor on any dates when the enquiry proceeding was held. Nor did he furnish any declaration maintained in the Certified Standing Orders. As a consequence, the petitioner had contrary to extant Rules and Guidelines failed to attend the place of employment during the 35 days of investigation.

The facts of this case reveal that after the incident of theft, a preliminary enquiry was conducted by the respondent ECL and the petitioner was thereafter charge-sheeted on the ground of theft, fraud and dishonesty in connection with business and property. There was *prima facie* willful neglect at work by the petitioner. The petitioner was granted repeated opportunities to appear and defend the case but intentionally and deliberately chose not to avail of the same. In the meantime, the petitioner was superannuated and no punishment was awarded to the petitioner. It is an indisputable fact that the petitioner neither marked his attendance at his place of posting nor on any dates of the enquiry proceeding as mentioned in the Certified Standing Orders and

hence, the entire claim for subsistence allowance is rejected.

The entire attempt of the part of the petitioner to assail the disciplinary proceedings, enquiry report and all steps had taken pursuant thereto is beyond the scope of the writ petition and is also rejected.

Significantly, neither the enquiry report nor the charge-sheet has ever been assailed before any Court of law or in any independent proceeding.

In view of the above, the writ petition is misconceived and dismissed. There is nothing in the records which indicate that the petitioner had ever attended the place of employment on any of the 35 days. The entire prayer for subsistence allowance is baseless and speculative. The serious charges against the petitioner have not been interfered with by any Court. The petitioner, as a Security Guard, was found to have engaged in activities of theft and dereliction of duty. In such circumstances, there is no reason to interfere in this proceeding, WPA 12312 of 2023 stands dismissed.

(RAVI KRISHAN KAPUR, J.)