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WA-364-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,  
CHIEF JUSTICE

&amp;

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 13<sup>th</sup> OF NOVEMBER, 2025

WRIT APPEAL No. 364 of 2025

*NORTHAN COALFIELDS LIMITED*

*Versus*

*PAWAN KUMAR DOOKIA AND OTHERS*

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Appearance:

Shri Greeshm Jain - Advocate along with Ms. Sana Khan - Advocate  
for the appellant.

Shri Kailash Chandra Ghildiyal - Senior Advocate with Shri Karnik  
Singh - Advocate for the respondent No.1.

Shri Arnav Tiwari - Advocate for respondent/Union of India.  
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ORDER

*Per. Hon'ble Shri Justice Vinay Saraf:*

1. The instant writ appeal is preferred by taking exception to the order dated 06.12.2024 passed by learned Single Judge in W.P. No.12101/2024, whereby the writ petition filed by respondent No.1 was allowed and the charge-sheet issued to the respondent was quashed.

2. Heard Shri Greeshm Jain, Advocate appeared on behalf of appellant and Shri K.C. Ghildiyal, Senior Advocate with Shri Karnik Singh, Advocate appeared on behalf of respondent No.1.



3. With the consent of the parties, arguments heard for the purpose of final disposal of the appeal.

4. The short facts of the case are that, respondent is working with appellant company and currently posted as Deputy Manager, (HR/Pers.). A charge-sheet was served upon the respondent on 13/15-04-2024 in furtherance of the direction issued by Government of India, Ministry of Coal by its letter dated 28.02.2024 to hold an inquiry against the respondent on the imputed charges under Section 30 of the Coal India Executives' Conduct, Discipline and Appeal Rules, 2021. Respondent belongs to the cadre of Executive who made a complaint against Mr. Ram Baboo Prasad, Ex. Director (Tech.) vide email dated 15.02.2024 raising an issue of misconduct regarding his omission of taking previous sanction from competent authority for securing employment of his son Mr. Abhishek Kumar in the Renusagar Thermal Project of Hindalco Industries with whom NCL had professional transactions.

5. The allegation was leveled against Mr. Ram Baboo Prasad that he abused his authoritative position and in violation of the rules, without obtaining any previous sanction, secured the job of his son in Renusagar Thermal Project. After highlighting this issue by the respondent No.1, appellant company had issued a memorandum of charge to respondent no.1 on 13/15-04-2024 on the ground that the complaint made by the respondent was duly investigated by Central Vigilance Office of the appellant company and found to be false as the same was not supported by any documents and the appointment of the son of Mr. Ram Baboo Prasad was not in violation of



the rules. The action of respondent No.1 to make a complaint directly to the higher authorities was treated as misconduct and a charge-sheet has been issued to respondent No.1.

6. It is brought on record before the writ court by respondent No.1 that in documents dated 12/13-10-2017 post facto permission/approval for the appointment of Mr. Abhishek Kumar son of Mr. Ram Baboo Prasad was granted meaning thereby, the allegation of securing the appointment of Mr. Abhishek Kumar without prior permission was correct. By the same order, a restriction was imposed upon Mr. Ram Baboo Prasad not to deal with M/s. Hindalco Industries Ltd.. However, as per respondent no.1, he was continuously dealing with M/s. Hindalco Industries Ltd. and regularly signing the documents.

7. The complaint of respondent No.1 was closed on the ground that no documentary evidence was submitted along with the complaint and Government of India, Ministry of Coal vide letter dated 28.02.2024 issued a direction to CVO, CCL to take departmental action against the respondent No.1 as per applicable rules for making the complaint and based upon the said instructions received by the authorities on 05.03.2024, a charge-sheet was issued to the respondent No.1 upon the allegations *inter alia* he acted prejudicial to the interest of the Company. Charge-sheet was challenged by the respondent No.1 in the subject W.P. No.12101/2024 mainly on the ground that the charge-sheet was issued in furtherance of the direction issued by Chairman-cum-Managing Director of the Company, without application of mind, upon the allegation that respondent No.1 filed a complaint to the



Government of India, Ministry of Coal with respect to the misusing of the position by Mr. Ram Baboo Prasad in getting employment to his son in M/s. Hindalco Industries Ltd., without obtaining any prior sanction. Though, the allegation was found proved, the direction was issued to serve charge-sheet to respondent No.1, which was quashed by learned Single Judge by the impugned order on the ground that the disciplinary authority has not applied his mind prior to issuance of charge-sheet and the same was issued only in pursuance to the direction given by Government of India, Ministry of Coal.

8. Learned counsel appearing on behalf of the appellant submits that when the respondent No.5 Mr. Ram Baboo Prasad was at the verge of retirement, the complaint was made by the respondent No.1, which was found to be incorrect as the same was not supported by any documents, and therefore, a direction was issued by the Government of India, Ministry of Coal to take appropriate disciplinary action against respondent no.1 for making such complaint, and therefore, the charge-sheet issued by the appellant company could not be quashed by the learned Single Judge. As no substance was found in the complaint made by respondent No.1, the direction was issued to take action against the respondent No.1, in accordance with applicable rules under intimation to the Ministry. It is further argued that the issuance of charge-sheet is an administrative function, which invites only limited judicial intervention on limited grounds, and therefore, learned Single Judge erred in interfering with the charge-sheet by observing that the complaint made by the respondent No.1 was found to be correct. However, the same was turned down because no document was filed



in support of the same. Learned Single Judge did not adhere the settled position of law that the Constitutional Court should ordinarily refrain from indulging into the propriety or varsity of the matter involved in the issuance of charge-sheet. He prays for setting aside the impugned order.

9. Learned senior counsel appeared on behalf of respondent No.1 supported the impugned order and submits that learned Single Judge has passed the order in accordance with law. He prays for dismissal of the appeal.

10. The arguments advanced by the rival parties are considered. After due consideration and perusal of record, we are of the view that no case for interference in the *intra court* appeal is made out as learned Single Judge has considered the facts of the case in details by which it was revealed before the learned Single Judge that the action was taken against the respondent No.1 only because he made a complaint to the Government of India, Ministry of Coal against respondent No.5 and no document was attached with the complaint. The finding of learned Single Judge that the allegations of the complaint were factually correct, is also based on due appreciation of evidence.

11. It is settled position of law that the disciplinary authority must take the decision independently and no charge-sheet can be issued only on the basis of directions issued by superior authority, without application of mind independently. No charge-sheet can be issued under direction from any quarter. The Supreme Court has held in **Manohar Lal (dead) by LR's vs. Ugrasen (dead) by LR's and others**, (2010) 11 SCC 557, that no higher



authority in the hierarchy or an appellate or revisional authority can exercise the power of the statutory authority nor the superior authority can mortgage its wisdom and direct the statutory authority to act in a particular manner and if the appellate or the revisional authority issues any direction, same cannot be treated as an order passed under the rules.

12. In the case in hand, Government of India, Ministry of Coal issued direction to appellant company to take disciplinary action against the respondent No.1 and the disciplinary authority without application of mind in compliance of the direction issued by Ministry of Coal served the charge-sheet upon the respondent No.1, and therefore, the same cannot be treated as a valid charge-sheet issued after application of mind by the disciplinary authority.

13. In view of the above, no case for interference is made out. The view taken by the learned Single Judge is correct, legal and just. We find no merit in the appeal and consequently, the appeal is dismissed. No order as to costs.

(SANJEEV SACHDEVA)  
CHIEF JUSTICE

(VINAY SARAF)  
JUDGE