

HIGH COURT OF CHHATTISGARH, BILASPUR**WP No. 2344 of 2001**

- Ayodhya Prasad Kashyap son of Shri Chunni Lal Kashyap, aged about 40 years, Sub Engineer, Nagar Panchayat, Akaltara, Tehsil and District Janjgir Champa, Presently in the office of DD (UA), Bilaspur (CG).

---- Petitioner**Versus**

1. The State of Chhattisgarh through the Secretary, Department of Urban Administration, DKS Bhawan, Mantralaya, Raipur (CG).
2. The Collector, Janjgir Champa (CG).
3. Nagar Panchayat Akaltara, through the Chief Municipal Officer, Akaltara.

---- Respondents

For Petitioner	Shri Sourabh Sharma, Advocate.
For Respondent/State	Shri Gary Mukhopadhyay, Deputy Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****10/03/2016**

1. The present petition filed in the year, 2001 is against the orders dated 18.09.2001 and 03.10.2001. The former order was passed by the Additional Secretary, Urban Administration Department imposing punishment of stoppage of one annual increment without cumulative effect for an alleged act of negligence of unauthorized absence on the part of the petitioner. The latter order was passed by the Collector, Janjgir Champa treating the absence

period of the petitioner from 01.04.2001 to 08.06.2001 as leave without pay. It was also ordered that the said period shall also be treated as 'dies non'.

2. Both the orders dated 18.09.2001 and 03.10.2001 has remain suspended from 23.11.2001 when this court had granted interim order in favour of the petitioner. 16 years down the line the present petition come up for final hearing. The impugned orders pertaining to the period from 01.04.2001 to 08.06.2001 i.e. a period of just about two months has been ordered to be treated as 'dies non'. This period in any case will not affect the service career of the petitioner substantially except for a possible deferring of the payment of annual increment for that period of two months. Even otherwise, by virtue of interim protection dated 23.11.2001, the petitioner has continued to work and has got all the benefits and as of now he is at the verge of superannuation. As such both the orders is now left with only academic interest, for the reason that by efflux of time, the effect, impact and the benefit which the petitioner was entitled for, has already been received by him.
3. Even otherwise, when we see the nature of the allegations for which the impugned orders were passed was too trivial in nature and further the two orders also *prima-facie* amounts to dual punishment for the same alleged misconduct.
4. In addition, the court's order dated 07.01.2002 also reflects that there was also a direction to release the salary and allowances of the petitioner for the period from April to May, 2001 which further strengthens the case of the petitioner for holding that the petition has by now become only of academic interest by efflux of time.

5. Accordingly, with the consent of the Counsel for the parties, the petition is dismissed as having become infructuous in view of the impugned orders remaining suspended for last 16 years and the Petitioner availing the reliefs he was entitled for all these period. It is also agreed that the respondents shall further not act upon the impugned orders challenged in the present writ petition.

Sd/-

(P.Sam Koshy)

JUDGE

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