

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No. 4281 of 2004**

Laxmi Narayan Debey, Office Assistant Grade-I, Accounts Office, M.P.E.B. Tifra, Bilaspur, Now Retired, R/o. Behind Santosh Bhuvan Hotel, Dabripara, Bilaspur (Chhattisgarh).

---Petitioner**Versus**

1. Chhattisgarh State Power Holding Company Ltd. through its Managing Director, Dangania, Raipur (Chhattisgarh).
2. Chief Engineer O & M, Chhattisgarh State Electricity Board, Raipur (Chhattisgarh).
3. Chief Engineer, (Bilaspur Region), Chhattisgarh State Electricity Board, Tifra, Bilaspur (Chhattisgarh).

---Respondents

For petitioner : Mr. Pradeep Saxena, Advocate.

For respondents : Ms. S. Harshita, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****22.09.2017**

1. Learned counsel for petitioner would submit that the order passed by Chhattisgarh State Electricity Board imposing a penalty of stoppage of one future increment with non-cumulative effective without conducting departmental enquiry is unsustainable and bad in law, therefore, impugned order dated 08.05.2002 is liable to be set aside.

2. Ms. S. Harshita, learned counsel for the respondents submit that feeling aggrieved against the order dated 08.05.2002 petitioner had preferred departmental appeal before the Appellate Authority

and said Appellate Authority by order dated 23.03.2015 dismissed the appeal and, as such, the impugned order has merged into appellate order, which has not been challenged either by filing this separate writ petition or by amending this writ petition and therefore the order dated 23.03.2015 has become final in absence of challenge to that order, as such writ petition has become infructuous.

3. I have the learned counsel for the parties and considered their rival submission made hereinabove with utmost circumspection.

4. Since the petitioner's appeal has already been disposed of and decided by order dated 23.03.2015 and as such the impugned order has merged into appellate order and which has become final in absence of challenge, therefore, this writ petition does not survive for consideration and accordingly disposed of, however, petitioner is at liberty to proceed in accordance with law.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-