

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 492 of 2017

Saraswati Dubey S/o Late Shiv Kumar Dubey, Aged About 44 Years Working As Driver, District Malaria Office, Bilaspur, District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. Subrat Sahu Secretary, Health And Family Welfare, Mantrayala, Mahanadi Bhawan, New Raipur, District. Raipur Chhattisgarh.
2. Smt. Ranu Sahu, Director, Health And Family Welfare, Mantrayala, Mahanadi Bhawan, New Raipur, District. Raipur Chhattisgarh.
3. Dr. B. B. Bode, Chief Medical And Health Officer, District. Bilaspur (Chhattisgarh)

---- Respondents

Shri Sunil Otwani, counsel for the petitioner/s.
Shri Arun Sao, counsel for the respondents.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

25/10/2017

At the outset, learned counsel for the respondents would submit that the order passed by this Court on 17/06/2013 in WPS No.4645/2012 has now been complied with and order has been passed by the Chief Medical and Health Officer on 10/10/2017.

2. Though the fact that the order has now been complied with by issuance of order on 10/10/2017 is not disputed, learned counsel for the petitioner highlights that the respondents have taken almost four years to decide the case of the petitioner.

3. This Court had passed an order way back on 17/06/2013. It appears that pursuant to the order passed by this Court, certain informations were collected by the Chief Medical and Health Officer, Bilaspur from the office of District Malaria Officer who submitted his report on 20/08/2013. However, despite such report having been submitted, there is nothing on record to show why the Chief Medical and Health Officer at Bilaspur did not pass orders in the case of the petitioner

within a reasonable time. Vide order dated 17/06/2013, this Court had directed exercise to be completed within a period of three months from the date of receipt of copy of the order.

4. Neither an application for extension was filed nor care was taken to decide the matter within time and it took almost four years.

5. Shri Sao submits that as far as present Chief Medical and Health Officer is concerned, he was posted at Bilaspur on 22/09/2016 and he has now passed the order. Even he has not explained as to why it took one year to decide the case of the petitioner. The manner in which the Chief Medical and Health Officers, who have remained posted at Bilaspur from June 2013 till now, treated the order of this Court, is clearly an act of indifferent and callous negligence which can only be condemned.

6. Though this Court was inclined to pass punishment order against those officers who have been sitting over the order passed by this Court for almost four years, taking into consideration that decision has been taken though belatedly, I am not inclined to proceed further in the matter. The contempt petition is accordingly closed.

7. The State Government is directed to open an enquiry against each of the officers who remained posted as Chief Medical and Health Officer for the last four years, take appropriate action after obtaining their explanation. Appropriate action be taken for inordinate and unexplained delay in compliance of the order of the Court. A copy of this order be placed before the Secretary of the Department for necessary action.

It goes without saying that the petitioner would be at liberty to challenge order dated 10/10/2017.

Sd/-
(Manindra Mohan Shrivastava)
Judge