

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPIL No. 85 of 2016**

- Rajkumar Mishra S/o Late Ganesh Prasad Mishra, Aged About 46 Years
R/o Haldibadi, Chirmiri, Thana- Chirmiri, Tahsil- Khadgava, District- Koriya
Chhattisgarh., E- Mail- Rtichrm@Gmail.Com, Mob. No. 9406363699

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through- Chief Secretary, Mantralaya, Mahanadi,
Naya Raipur Chhattisgarh.
2. Bharat Sangh, Through- Secretary (K), Karmik Lok Shikayat Aur Penshan
Mantralaya, (D. O. P. T.), North Block, Bharat Sarkar, New Delhi.
3. Secretary, Rajya Aarthik Apradh Anveshan Bureau, Jai Jawan Petrol
Pump Ke Samne, Telibandha Road, Raipur Chhattisgarh.

---- **Respondents**

For Petitioner	: Shri Rajkumar Mishra, Petitioner in person.
For Respondents/State	: Shri J.K.Gilda, learned Advocate General
For Respondent No.2	: Shri N.K.Vyas, Assistant Solicitor General

Hon'ble The Chief Justice
Hon'ble Shri Justice Sanjay Agrawal

Order On Board**17/01/2017****Per Deepak Gupta, Chief Justice**

1. The grievance of the writ petitioner in this public interest litigation is that senior retired and working bureaucrats, against whom, departmental enquiries are conducted, have managed to delay the enquiries on one ground or the other.
2. On 27.09.2016, we had directed the Chief Secretary to file an affidavit in this regard. We had also directed him to file a chart giving the details of enquiries pending against All India Service officials in the State of Chhattisgarh and the reasons for delay.

3. We are now dealing with each official individually.

I.A.S. OFFICERS

4. The enquiry against one Shri P. Raghavan, retired Principal Secretary from the State of Chhattisgarh, started in the year 2007. In between, the enquiry was delayed because the enquiry was headed by an I.A.S. Officer, who was junior to Shri P. Raghavan and had worked under him. Thereafter, an officer of the Chhattisgarh Judicial Service was asked to conduct enquiry. Smt. Nirmala Singh has been appointed as Enquiry Officer. The enquiry is now being conducted by Shri R.P. Jain. In this case, the entire prosecution evidence has been recorded. Only the defence statements have to be recorded and thereafter the arguments have to be heard. Therefore, we direct the State Government to complete the enquiry latest by 30th April, 2017.

5. Shri S.S.Murthy is another retired I.A.S. Officer. The enquiry against him was stayed by the Central Administrative Tribunal, Jabalpur Bench, but the Tribunal, while dismissing his petition, had directed vide its judgment dated 04.08.2016 that the enquiry be completed within 6 months. Therefore, the enquiry had to be completed by February, 2017. We direct the State Government to complete the enquiry against Shri S.S.Murthy within the time granted by the Central Administrative Tribunal.

6. As regards Shri T. Radhakrishnan, retired I.A.S. Officer, there are three enquiries pending against him. First enquiry was initiated on 30.12.2014, second commenced on 25.07.2015 and the third enquiry started on 11.05.2016. As far as first enquiry, which commenced on 30.12.2014, was concerned, Shri Radhakrishnan delayed the proceedings by claiming that he will not get justice from Shri R.P.Jain, who was the Commissioner of Departmental Enquiries because Shri T. Radhakrishnan as member of the Revenue Board had set aside the orders passed by Shri Jain when he was working as Commissioner,

Bilaspur. Thereafter, the State Government had appointed Shri S.K.Mishra as Enquiry Officer, but Shri Radhakrishna did not agree to his name also. Then Dr. Indira Mishra was appointed as Enquiry Officer on 16.03.2016. It appears that no objection was raised about her appointment to hold the enquiry. Therefore, the Enquiry Officer is directed to complete the enquiry latest by 30th June, 2017.

It is apparent that Shri Radhakrishnan, on one pretext or the other, is getting the enquiry delayed. In case Shri Radhakrishnan again objects to the Enquiry Officer, then the enquiry be got conducted by Justice Dharendra Mishra, retired Judge of this High Court.

With regard to the second enquiry, which commenced on 25.07.2015, Smt. Indira Mishra has been appointed as Enquiry Officer on 22.03.2016. We direct Smt. Indira Mishra to complete the enquiry by 31st July, 2017.

As far as third enquiry, which commenced on 11.05.2016, the State Government is awaiting the decision of the Union of India. We direct the Union of India to communicate its decision to the State Government on or before 31st March, 2017 and in case the Union of India accedes to the request of the State Government and grants permission to hold the enquiry, then the enquiry must be completed by 31st December, 2017.

7. The next Officer is Shri J. Minj, a retired I.A.S. Officer, against whom, an enquiry was initiated on 1st July, 2010. The Enquiry Officer has already submitted his report. Therefore, further action, if any, be completed latest by 31st March, 2017.

8. The next enquiry conducted is against Shri G.S. Dhananjay, who is a retired I.A.S. Officer. In this case, the enquiry has been stayed by the Central Administrative Tribunal. Therefore, this Court cannot pass any directions.

9. In the enquiry against Shri N.S. Mandavi, it is stated that the enquiry

started on 27.01.2012 and enquiry report has been received on 28.06.2014. But there was delay on account of submission of representation to the Government of India by the delinquent. The delay has occurred due to lack of communication between the State Government and the Central Government. Now, it is stated that the communication from the Central Government has been received. If that be so, then the enquiry must be completed by 31st December, 2017.

10. As regards enquiry against Sushri Omega Unies Toppo, now posted as Joint Secretary in the Forest Department, it is stated that there are two enquiries pending against her. One enquiry commenced on 05.02.2015 and another on 08.01.2016. As far as first enquiry, which commenced on 05.02.2015, is concerned, it is stated that a decision has been taken to hold a departmental enquiry. It is directed that the said enquiry be completed by 31st July, 2017.

As far as second enquiry, which started on 08.01.2016, is concerned, it is stated that there are some major contradictions between the facts stated by the delinquent Officer and the opinion of the Revenue Department, due to which, some clarification has been sought. This clarification be obtained latest by 28th February, 2017 and the decision thereon be taken by the Government. Thereafter, it be ensured that disciplinary proceedings are completed by 31st December, 2017.

11. The enquiry proceedings against Shri Alok Awasthi started on 16.02.2015. It seems that only reply of the delinquent officer has been received. The comments from the School Education Department have also been received. A decision is yet to be taken by the Government as to whether enquiry is to be conducted or not. The decision be taken latest by 28th February, 2017 and if it is found that an enquiry is necessary against the delinquent official, the same be completed by 31st December, 2017.

12. There are two enquiries pending against Shri V.K.Dhurve, now working as

Secretary, Jail and Transport Department. One commenced on 30.01.2012 and another on 10.05.2016. It is apparent that on 06.06.2012, the delinquent official was given a personal hearing and comments given by the Commissioner, Surguja Division on the reply of the delinquent were received on 12.11.2012. There is virtually no explanation why for four years, no action was taken. Whatever action is taken must be taken within time. If the rule of law is to prevail, then the officials facing such grave charges must also be dealt with quickly.

The State Government is directed to take a decision as to whether it wants to hold an enquiry in the matter. The State Government is directed to decide this issue on or before 28th February, 2017 and if the State Government wants to continue with the Departmental proceedings, let it continue with the same. But the same be completed latest by 31st August, 2017.

As regards second enquiry initiated against Shri V.K.Dhurve on 10.05.2016, in this case also, the enquiry was at the preliminary stage. The State Government is directed to ensure that a decision whether to start Departmental enquiry or not, should be taken latest by 15th March, 2017 and the enquiry, if any, be completed by 31st December, 2017.

13. So far as enquiry initiated against Shri G.R. Churendra on 21.04.2016 is concerned, it is directed that the State Government shall ensure that a decision whether to hold Departmental enquiry or not, is taken latest by 15th March, 2017 and the enquiry, if any, be concluded latest by 31st December, 2017.

14. Shri Taman Singh Sonwani is one more official, against whom, charge sheet has been issued. Comments from the Department of Panchayat and Rural Development on the reply given by the delinquent are awaited. It is directed that the State Government shall obtain the comments from the Department concerned latest by 15th March, 2017 and if the State Government

finds that an enquiry is necessary, then the same be completed latest by 31st December, 2017.

15. Shri S.N.Rathore is now working as Additional Collector, Raipur, against whom, charge sheet has been issued. Comments from the Department of Panchayat and Rural Development on the reply given by the delinquent are awaited. It is directed that the State Government shall obtain the comments from the Department concerned latest by 15th March, 2017 and if the State Government finds that an enquiry is necessary, then the same be completed latest by 31st December, 2017.

I.P.S. OFFICERS

16. As far as Shri R.K.Dewangan is concerned, punishment has already been imposed upon him.

17. As regards Shri A.M.Juri, departmental proceedings were initiated on 21.02.2012. The Central Administrative Tribunal has passed certain orders. Those orders be complied with.

18. So far as departmental proceedings against Shri Mayank Shrivastava is concerned, the same be completed latest by 31st July, 2017.

I.F.S. OFFICERS

19. Enquiry against Shri S.C.Agrawal started on 21.07.2014. In his case, the enquiry report has been submitted. The State Government is directed to take action on the enquiry report latest by 31st March, 2017.

20. As regards enquiry against Shri Rakesh Chaturvedi, the matter is pending before the Union Public Service Commission. We request the Public Service Commission to convey its decision to the State Government latest by 31st March, 2017. The petitioner is at liberty to send a copy of this order to the U.P.S.C.

21. There are two enquiries initiated against Shri S.C.Rahatgaonkar. In the first enquiry, which started on 30.06.2010, the enquiry report has been submitted and the matter has been referred to the U.P.S.C. The decision in this regard be taken by 31st March, 2017.

The second enquiry against Shri S.C.Rahatgaonkar commenced on 27.08.2012. There is some stay order passed by the M.P. High Court. Therefore, no orders can be passed by this Court.

22. As regards Mr. Hemant Kumar Pandey, the matter is pending between the U.P.S.C. and the State Government. Both are directed to take a final decision latest by 31st March, 2017.

23. Regarding enquiry against Shri V.S. Lakda, the same be completed on or before 30th September, 2017.

24. So far as enquiry against Shri S.S.D.Badgaiyan is concerned, the matter is pending between the U.P.S.C. and the State Government. Both are directed to take a final decision latest by 31st March, 2017.

25. As regards Shri C.L.Agrawal, there are two enquiries initiated against him. One enquiry started on 01.12.2015 and another commenced on 07.10.2015. Even as per the respondents, the enquiries are being delayed. Therefore, the enquiry officer is directed to complete the same latest by 31st August, 2017.

26. The enquiry initiated against Shri V.S.Dhruv on 12.09.2016 be completed by 31st August, 2017.

27. As far as enquiry against Shri C.S.Tiwari is concerned, the enquiry report has been submitted. Further action be completed by 31st March, 2017.

28. As regards enquiry against Shri R.K.Tiwari, the same be completed by

31st December, 2017.

29. The enquiry against Shri M. Govind Rao is pending since 2014. It be completed by 31st October, 2017.

30. As far as enquiry against Shri S.K.Painkra is concerned, the enquiry has been completed. The decision thereon be taken by 31st March, 2017.

31. The enquiry against Shri S.P.Rajak is pending since 2014. The same be completed by 30th September, 2017.

32. As regards enquiry against Shri B.P.Singh is concerned, the same is pending since 2015. It be completed latest by 31st October, 2017.

33. On perusal of the record, we find that in most of the cases, there is great delay in holding the enquiries for one reason or the other. This delay should not occur especially when the senior Officials are involved. If a message has to be sent throughout the State that the rule of law is being observed when senior Officials are involved, then the proceedings against them must be completed at the earliest instead of being permitted them to delay the enquiry. We also find that these Officers belong to All India Service cadre. A lot of time has taken in obtaining the necessary sanctions and permissions from the U.P.S.C. We request the U.P.S.C. to send the decisions taken against the delinquent officials to the State Government at the earliest.

34. With the above observations and directions, the writ petition is disposed of with liberty reserved to the petitioner to approach this Court again, if the directions given by this Court are not adhered to by the State Government.

Sd/-

(Deepak Gupta)
Chief Justice

Sd/-

(Sanjay Agrawal)
Judge