

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.2678 of 2017**

- Thaneshwar Sahu S/o Late Chhabiram Sahu, Aged About 45 Years R/o. Village Sakarra, P. S. Maalkharoda, Tahsil Maalkharoda, District Janjgir Champa (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Secretary, Department Of Health, Family Welfare, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (Chhattisgarh)
2. Director, Directorate Of Health Services, Indrawati Bhawan, New Raipur, District Raipur (Chhattisgarh).
3. Chief Medical And Health Officer, District Janjgir Champa (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri S. Majid Ali, Advocate
For Respondent/State	:	Shri Satish Gupta, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****25/09/2017**

Heard.

2. Grievance of the petitioner as ventilated through this petition is that even though, criminal case has come to an end and he has been acquitted and no departmental enquiry was instituted against him, orders relating to regularization of the period of suspension with effect from 17-03-1997 to 08-05-2003 have not been passed till date.
3. In this case, notices have been issued and time was granted to the State counsel to file reply, but despite repeated opportunity followed by last opportunity, no reply has been filed till date. The petitioner was suspended on 17-03-1997 on the

ground of institution of criminal proceedings, which ended in his acquittal vide order dated 14-06-2007 passed by the Judicial Magistrate First Class, Raipur in Criminal Case No.279/2006. A show cause notice was issued to the petitioner as to why departmental enquiry be not initiated against him, on the basis of those allegations, on which, criminal case was founded. The petitioner replied to the show cause notice and thereafter, no departmental enquiry was instituted against him by issuance of charge sheet invoking Rule 14 or Rule 16 of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966.

4. Therefore, in these circumstances, the period of suspension i.e. 17-03-1997 to 08-05-2003 is required to be regularized by passing an appropriate order in terms of F.R. 54-B of the Fundamental Rules. The respondent authority is directed to pass appropriate order and accord proper treatment to the period of suspension taking into consideration that he was acquitted from the criminal charges and no departmental enquiry was instituted against him. The respondent authority should pass appropriate order in accordance with law with regard to regularization of the period of suspension within a period of 90 days from the date of receipt of a copy of this order.

5. With the aforesaid direction, this petition is finally disposed off.

SD/-
(**Manindra Mohan Shrivastava**)
Judge