

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 927 of 2017**

- Dr. D. K. Sen S/o Late Shri Sourendranath Sen, Aged About 70 Years Retired As Director, Directorate Health Services, Raipur, R/o A- 11, Pink City, Gayetri Nagar, Shankar Nagar, Raipur, Tehsil & District Raipur (Chhattisgarh).

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Principle Secretary, Department Of Health & Family Welfare, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
2. Commissioner, Department Of Health And Family Welfare, Third Floor, Indrawati Bhawan, New Raipur, (Chhattisgarh)
3. Chhattisgarh Department Enquiry Commissioner, D. S. K. Parisar, Mahanadi Sector, Raipur (Chhattisgarh)

---- Respondents

For Petitioner:	Mr. V.R. Tiwari, Advocate
For State :	Mr. S.P. Kale, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23.02.2017**

1. The present Petition has been preferred with a prayer for quashment of the departmental inquiry initiated against the present Petitioner.
2. Learned Counsel for the Petitioner submits that the Petitioner in the instant case stood retired from the post of Director, Health Services, State of Chhattisgarh with effect from 31.10.2006 and three years after retirement the Petitioner is subjected to departmental inquiry vide order dated 16.09.2009. He further submits that though the inquiry was initiated in the year 2009 in spite of more than 7 years having passed the inquiry is still not completed. The anxiety of the Petitioner is that by now he has

already reached the age of 70 years and thus at this age he is unnecessary in being put to face the trauma of a malafide inquiry which has been initiated by the Respondents. According to Petitioner prima facie inquiry should not have been initiated after his retirement. Now that it has been initiated it is not being concluded by the Respondents on one pretext or the other and the inquiry is getting prolonged. He further submits that even yesterday when the matter was fixed before the inquiry officer the matter has been adjourned to be listed in the month of April, 2017 with a change of inquiry officer.

3. Learned State Counsel however submits that he has appeared on advance copy. As such he does not have instruction so far as the inquiry part is concerned as to at what stage the inquiry at present is.
4. Be that as it may, this Court does not intend to provide any adjournment to the State to seek instruction.
5. Indisputably, the inquiry was initiated against the Petitioner in year 2009 and by now even after 7-8 years it is still pending consideration. By any stretch of imagination it can be said that the time taken for the inquiry is unexplained and not justified.
6. Therefore, at this juncture the only direction this Court intends to give to the Respondents is to ensure the departmental inquiry initiated against the Petitioner be conducted on priority basis and the Respondents may further direct the inquiry officer to conclude the departmental inquiry as expeditiously possible preferably within a period of 4 months from the next date fixed

before the Inquiry Officer. It shall also be the responsibility of the Petitioner to place the copy of the order passed by this Court before the inquiry officer on the next date of hearing.

7. With the aforesaid observation the present Writ Petition stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

kishore