

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 137 of 2017

1. Chhattisgarh Rajya Gramin Bank Through The Chairman, Chhattisgarh Rajya Gramin Bank, Head Office, Raipur, Chhattisgarh
2. The General Manager, Chhattisgarh Rajya Gramin Bank, Head Office, Raipur, Chhattisgarh
3. The Regional Manager, Chhattisgarh Rajya Gramin Bank, Regional Office, Bilaspur, Chhattisgarh(Respondents)

---- Applicants

Versus

B. N. Singh S/o Late Shri Ram Pariksha Singh, Aged About 61 Years Retired As Officer Scale I, Chhattisgarh Rajya Gramin Bank, R/o L-4 Vinoba Nagar, Bilaspur, Dist. Bilaspur, Chhattisgarh(Writ Petitioner)

---- Respondent

Shri B.D.Guru, counsel for the applicant/s.
Ms. Sharmila Singhai, counsel for the respondent.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/03/2017

An application for grant of further time for completion of departmental enquiry against the petitioner has been filed before this Court by the applicant / Bank and its officers.

2. Learned counsel for the applicant submits that at the time of passing of order dated 07/09/2016 in WPS No.2171/2016, the fact that against the respondent, another departmental enquiry instituted by issuance of charge sheet dated 27/07/2015, was not brought to the notice of the Court. This Court disposed off the writ petition with a direction to complete the departmental enquiry within a period of four months from the date of receipt of copy of the order with the observation that if the enquiry is not completed within the time stipulated, retiral benefits shall be released to the writ petitioner. It is submitted that against the respondent, another departmental enquiry is pending. Therefore, some more time

may be granted so that both the inquiries are completed within a fixed time to comply with the order of the Court.

3. On the other hand, learned counsel for the respondent submits that the fact regarding institution of two departmental enquiries was not raised by the applicants herein in the writ petition filed by the respondent in which earlier, order was passed on 07/09/2016. It is submitted that for one reason or the other, in departmental enquiries, more than one in number, have remained indefinitely pending, against which, retiral dues have been withheld despite order passed by this Court more than six months ago.

4. It appears that neither the petitioner nor the respondents in the original writ petition, brought to the notice of this Court that against the writ petitioner, another charge sheet was issued on 27/07/2015, in which the writ petitioner submitted reply on 07/12/2015. The fact that another enquiry was initiated is not in dispute between the parties.

5. Learned counsel for the respondent submits that under a bonafide understanding that after reply, nothing having been done, second charge sheet must have attained its natural demise, nothing was said in the earlier petition. Neither the writ petitioner nor the applicant herein brought the aforesaid relevant and material fact to the notice of this Court while disposing off earlier writ petition. However, in view of the admitted position that charge sheet was actually issued to the respondent on 27/07/2015 wherein reply has also been submitted by the respondent, but no final order has been passed till date, this Court is inclined to dispose off this petition granting the applicant / bank last extension of another four months to complete all the enquiries which are pending against the respondent. If the enquiries against the respondent are not concluded one way or the other by passing final order, for reasons not attributable to the respondent, on or before 31/07/2017, retiral dues, as directed earlier, shall be released in favour of the respondent, subject to cooperation by the respondent.

Sd/-
(Manindra Mohan Shrivastava)
Judge