

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 627 of 2017

State Of Madhya Pradesh Through The Secretary, Government Of Madhya Pradesh, Department Of Commerce, Industry And Employment, Mantralaya, Vallabh Bhawan, Bhopal Madhya Pradesh P I N 462004.

---- Applicant

Versus

1. Krishna Kumar Tiwari S/o Malikram Tiwari, Aged About 73 Years R/o House No. 286, Senior M I G, Sector- 2, Deendayal Upadhyay Nagar, Raipur, P. S. D. D. Nagar, Civil And Revenue District- Raipur, Pin- 492001 (Chhattisgarh)
2. State Of Chhattisgarh, Through The Secretary, Department Of Commerce And Industry, Mahanadi Bhawan, Mantralaya, Naya Raipur, Revenue And Civil District Raipur, Chhattisgarh P I N 492001.
3. District Industries And Trade Centre, Raipur, Through General Manager, Raipur, Civil And Revenue District- Raipur (Chhattisgarh), 492001

---- Respondents

For Applicant	:	Shri Gary Mukhopadhyay, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/10/2017

Heard.

1. The order passed by this Court on 25.7.2017 in WPS No.2690 of 2016 is sought to be reviewed on the submission that though notices were served, for reasons beyond control, the reply could not be filed by the applicant.
2. Learned counsel for the applicant would submit that though departmental enquiry could not be completed, there were justifiable reason because the enquiry report was submitted on 2.12.2005 and in respect of one of the charges, a recommendation was made for getting enquired through Economic Offences Wing. It is submitted that because of that weighty reason, petitioner authority with all best efforts on their part could not conclude the enquiry. It is submitted that this could not be placed before the Court at the time of hearing

earlier and, therefore, the order may be recalled, reviewed, modified.

3. After hearing learned counsel for the applicant, I do not find any ground to review or recall the order passed by this Court earlier. The fact that enquiry report was submitted in the year 2015 itself was very much before this Court. The consideration weighing in the mind of the Court to issue direction in favour of writ petitioner was that there could be no justification whatsoever for withholding retiral benefits for 17 years in the name of pendency of an enquiry against Govt. servant. Therefore, even after giving my anxious consideration to the detailed submission made by Shri Gary Mukhopadhyay learned counsel appearing for the applicant and going through the contents of the pleadings, I am not inclined to recall the order passed by this Court earlier.
4. The petition is therefore dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge