

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P. NO. 4544 OF 2005**

Vivek Kumar Riachhariya, aged 40 years, S/o Shri Ramratan Richhariya, presently posted as Sub Engineer, Nagar Panchayat, Katghora, District Korba (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through: the Secretary, Department of Environment & Urban Administration, Mantralaya, D.K.S. Bhawan, Raipur, Raipur (CG)
2. Collector, Korba, District Korba (CG)
3. Nagar Panchayat, Katghora, through Chief Municipal Officer, Nagar Panchayat, Katghora, District Korba (CG)

... Respondents

For Petitioner	:	Mr. Sourabh Sharma, Advocate.
For Respondents	:	Mr. Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12/09/2018**

1. Challenge in the present writ petition is to the order of suspension dated 11.7.2005 and the issuance of the charge-sheet dated 24.8.2005.
2. By virtue of the interim order granted by this Court, the suspension part was stayed vide order dated 28.9.2005. However, there was no interim protection so far as the issuance of the charge-sheet is concerned.
3. Since the charge-sheet was not stayed it is presumed that by efflux of time, that is, the petition being pending before this court for a good 13 years of time, the enquiry must have been concluded.
4. This Court therefore is prima facie of the opinion that the matter has by efflux of time, become infructuous.
5. This Court however would still like to dispose of the writ petition with a direction that in case, if the departmental enquiry has not been finalized till date, the respondents would be at liberty to finalize the same. However, it shall be ensured that the disciplinary action whatever they intend to take would be passed by an authority competent under the service conditions which governed the services of the petitioner, considering the fact that the petitioner was an employee of the Municipality.

6. So far as the grievance of the petitioner with regard to suspension is concerned, since the petitioner had already obtained an interim order against the order of suspension, he remained continue in employment and by efflux of time that relief has become redundant and it is ordered that the respondents would be restrained in further acting upon the order of suspension dated 11.7.2005.

7. The writ petition stands disposed of with aforesaid observations.

**Sd/-
(P. Sam Koshy)
Judge**

/sharad/