

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2185 of 2012**

Dr. Dinesh Chandra Tiwari, S/o. Late Shri Shiv Govind Tiwari, Aged about 66 years, R/o. Q. No. 15, Sookha Jhad Road, Samata Colony, Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, through: the Secretary, Department of Public Health and Family Welfare, D.K.S. Bhawan, Mantralaya, Raipur, District Raipur, Chhattisgarh.
2. The Director, Health Services, Government of Chhattisgarh, Raipur, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Harish Chandra Shukla, Advocate
For State	:	Mr. Syed Majid Ali, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****03/08/2018**

1. This is a classic example of lethargic approach of the respondents in a departmental enquiry initiated against the employee way back on 15.02.2004 i.e. about more than 14 ½ years ago.
2. According to the counsel for the petitioner, the petitioner meanwhile got retired from service on 31.03.2006. Till his retirement, the departmental proceedings did not proceed a single step. Subsequent to his retirement till date though about more than 12 years have passed and even after 12 years of his retirement, the respondents could not even start the departmental enquiry.
3. From the record, it appears that the respondents have appointed whole lot of inquiry officers time and again, but none could proceed with the enquiry, nor could any action be taken.

4. The petitioner has retired in the year 2006 at the age of 60 and today the petitioner is more than 72 years of age. At this stage, if the enquiry is permitted to be proceeded, the petitioner would be at a considerable prejudice for the simple reason, he would not be able to collect all those defence, which he would have been able to collect, had he been in service or immediately could have after his retirement. Permitting the respondents to proceed with the departmental enquiry at this stage would be detrimental to the interest of the petitioner and it would also be against all the settled positions of natural justice.
5. Under the circumstances, considering this to be an exceptional case, where the respondents could not start with the departmental enquiry inspite of more than 14 years having lapsed from the date of issuance of the charge sheet, this Court at this juncture is inclined to allow the petition and order for dropping of the entire departmental enquiry initiated against the petitioner, so far as the charge sheet dated 15.02.2004 is concerned, unless the respondents have already closed the departmental enquiry by passing a suitable order or else the proceedings stands dropped.
6. Any retiral dues which stands withheld shall be released to the petitioner with interest @ 10% per annum from the date of retirement till the date of actual payment is made.
7. The writ petition thus stands allowed.

Sd/-
(P. Sam Koshy)
Judge