

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S)No.4051 of 2017**

Smt. Sohita Bajpayee D/o S.P. Bajpayee, Aged About 42 Years
Suspended Patwari, R/o Dhimarapur, Raigarh, Tahsil And District
Raigarh, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Revenue Development Department, Mahanadi Bhawan, New Mantralay, District Raipur, Chhattisgarh.
2. The Collector, Raigarh, District Raigarh Chhattisgarh.
3. The Sub Divisional Officer, Raigarh, District Raigarh Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Vineet Pandey, Advocate.
For State	:	Shri Shashank Thakur, Govt. Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy**Order On Board****08/05/2018**

1. The two major reliefs sought for by the petitioner is for quashment of suspension order dated 27.10.2007 and the other being dropping of departmental enquiry initiated against the petitioner.
2. The petitioner who was working as Patwari was placed under suspension on 27.10.2007 and since then she continued to remain under suspension without any progress on the departmental proceedings.
3. The petitioner in the year 2017 i.e. on 17.08.2017 filed the present writ petition. This court taking serious note of continuing of the petitioner under suspension for prolong period without any justification, directed the respondents to pass appropriate order for revocation of suspension of petitioner. Thereafter the respondents

have passed revocation order on 05.10.2017. However, till date there has been no progress whatsoever in the departmental enquiry and not a single date of hearing has been fixed by the enquiry officer. Further, it is also reflected that even the enquiry officer and the presenting officer were appointed by the respondents on 21.04.2013 i.e. after more than six years from the date of issuance of charge sheet to the petitioner which was issued on 07.12.2007.

4. Thus, from the aforesaid facts it is clear that departmental enquiry has been contemplated but has not progressed a bit against the petitioner. What also reflects from the proceedings drawn is that so far as relief No.10.2 of the petition is concerned, the same stands redressed after revocation of the suspension order.
5. However, so far as pending departmental enquiry is concerned, considering the entire facts and circumstances of the case, ends of justice would meet if the writ petition itself is disposed of with a direction that the respondent No.2 shall ensure that departmental enquiry initiated against the petitioner shall be concluded within a period of three months from today. In case if the respondents are not able to conclude the departmental enquiry within the said period, the entire departmental enquiry initiated against the petitioner would stand automatically dropped and thereafter the petitioner would be entitled for all consequential benefits for the entire period from the date of suspension onwards.
6. The writ petition accordingly stands disposed of with the aforesaid direction.

7. Needless to mention that the petitioner shall also render all cooperation to the enquiry officer for early conclusion of departmental enquiry and the enquiry officer is also expected to act in a judicious manner and grant fair opportunity of hearing to the petitioner.

Sd/-
(P. Sam Koshy)
Judge

inder