

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3063 of 2018**

Suresh Kumar Choudhary S/o Late Shri Chironji Lal Aged About 59 Years R/o Plot No. B/85, Cross Street 2, Smriti Nagar, Bhilai, District Durg Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Energy, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur Chhattisgarh.
2. Chairman, Chhattisgarh State Power Transmission Company Limited Raipur, District Raipur Chhattisgarh.
3. Managing Director, Chhattisgarh State Power Transmission Company Limited Raipur, District Raipur Chhattisgarh

----Respondents

For Petitioner	:	Ms. K. Tripti Rao, Advocate
For State	:	Mr. Adiraj Surana, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16/04/2018**

1. The petitioner is aggrieved of the disciplinary proceedings which has been initiated against the petitioner.
2. The contention of the counsel for the petitioner is that the very initiation of the disciplinary proceedings is **void ab initio** as it is without competence and power of the authorities who have initiated the same.
3. Be that as it may, the charge sheet was issued to the petitioner on 05.06.2014 and an inquiry officer was also appointed on 01.08.2014 i.e. almost about 4½ years have since lapsed from the date of issuance of the charge sheet as well as the initiation of departmental enquiry.

4. Given the fact that the 4-4½ years have lapsed from the date of initiation of the departmental enquiry, this Court in exercise of its extraordinary powers under Article 226 of the Constitution of India would not like to now look into the competency and the powers of the authority at this stage reserving the right of the petitioner to question the same if required, on the outcome of the enquiry.
5. It is directed that the respondents should ensure that the departmental enquiry initiated should be concluded at the earliest more particularly for the reason that the petitioner is fast approaching the age of superannuation and the petitioner also is in the zone of consideration for the next promotion to the post of Superintending Engineer.
6. Given the aforesaid facts, let the inquiry pending against the petitioner be concluded within a period of 4 months from the date of receipt of certified copy of this order.
7. It is expected that the petitioner shall also cooperate for the early conclusion of the departmental enquiry.
8. The writ petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge