

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 6680 of 2018

Prawin Kumar Sahu S/o Shri Janak Ram Sahu, Aged About 45 Years, Assistant Teacher (Local Body), At- Govt. Primary School, Khirkitola, Block- Dhamtari, District- Dhamtari, Chhattisgarh, R/o G-3, Sinchai Colony, Rudri, District- Dhamtari, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. The Collector, District- Dhamtari, Chhattisgarh.
3. The District Education Officer, Dhamtari, District- Dhamtari, Chhattisgarh.
4. The Chief Executive Officer, Janpad Panchayat, Dhamtari, District- Dhamtari, Chhattisgarh.

---Respondents

For petitioner	:	Shri R.K.Kesharwani, Advocate.
For State	:	Shri Chandresh Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/10/2018

1. The case of the petitioner in the instant Writ Petition is that the petitioner was placed under suspension for the first time on 26/08/2006 and he was also issued with a charge sheet on 09/10/2006.
2. According to the petitioner, the said disciplinary action which has been initiated vide the charge sheet dated 09/10/2006 has till date not been concluded, though the suspension order dated 26/08/2006 stood revoked vide order dated 23/05/2016 – Annexure-P/6.

3. However, he was subsequently again placed under suspension on 22/07/2016 and he was again issued with a charge sheet on 12/09/2016.

4. However, the second suspension order has also been revoked on 05/09/2018, though the departmental enquiry initiated in the second charge sheet dated 12/09/2016 has till date not been concluded.

5. The limited prayer which the petitioner has made through the present Writ Petition is for issuance of direction to the respondent No.3 to take an appropriate decision on the departmental enquiry which was contemplated vide charge sheet dated 09/10/2006 which according to the petitioner has till date not been concluded and it is also prayed that the respondent No.3 may also take a decision as to how that period of suspension between 26/08/2006 to 23/05/2016 has to be treated keeping in view the provision of fundamental rules.

6. In the give facts, this Court is of the opinion that, no fruitful purpose would be served in keeping the Writ Petition pending, rather ends of justice would meet if the Writ Petition is disposed off with a direction to the respondent No.3 to take a decision on the said request of the petitioner.

7. The petitioner in addition to any earlier representation that he has made is also directed to make a fresh representation in this regard to the respondent No.3 within a period of 15 days and on such representation being received, the respondent No.3 would take a decision for concluding the departmental enquiry on the charge sheet dated 09/10/2006 within a further period of 6 months if till now not concluded, closed or dropped.

8. The respondent No.3 also required to take a decision as to how the period of suspension between 26/08/2006 to 23/05/2016 has to be treated keeping in view the provision of Fundamental Rules.

9. Needless to mention that, in the process of taking a decision, the respondent No.4 under whom the petitioner is discharging his duties would also render all necessary co-operation including taking decision as prayed for by the petitioner.

10. The Writ Petition accordingly stands allowed and disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit