

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7715 of 2018

Ishwari Prasad Thakur S/o Late Shri Kamta Prasad Aged About 50 Years R/o Village - Jewartola, Tahsil- Gunderdehi, District - Balod, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Finance And Planning Department, Mahanadi Bhawan Mantralaya, New Raipur Chhattisgarh.
2. The Director Directorate Of Economic And Statics, Block No.2, Indravati Bhawan, New Raipur Chhattisgarh.
3. The District Planning And Statics Officer Bijapur, District - Bijapur, Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Basant Dewangan, Advocate
For State	:	Mr. Dheeraj Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/11/2018

1. The relief sought for by the petitioner in the present writ petition is for quashment of the impugned order, which is a part of Annexure P/2 dated 09.05.2018, whereby the petitioner has been served upon with a show cause notice for remaining unauthorized absent for a considerable long period.
2. First of all, it would be relevant to refer that the petitioner while working on the post of Peon was transferred in the year 2009 from Dhamtari to Bijapur. After giving his joining at Bijapur and working there for sometimes, the petitioner took casual leave in October, 2011 and thereafter remained absent for a considerable long period and finally reported for duty only on 04.12.2017 i.e. after a period of more than 6 years.
3. Meanwhile, the respondent authorities have also initiated disciplinary proceedings against the petitioner which is pending consideration. Since

the absence of the petitioner was for a period of more than 5 years, the authorities on his reporting for duties have not granted the joining. It is this action on the part of the respondents for which the petition has been filed.

4. Though the petitioner has raised a ground that the petitioner was not well during these 6 years' period, but the entire writ petition is not supported with any medical proof of his being ill or being under medical treatment for all these period.
5. Given the said facts, this Court does not find it to be a fit case for issuance of a writ in the nature of mandamus to the respondents for granting joining to the petitioner.
6. Since the disciplinary proceedings have already been initiated, this Court is of the opinion that the respondents take an early decision on the disciplinary proceedings and subject to the outcome in the disciplinary proceedings, appropriate decision so far as joining or otherwise be passed by the department.
7. Considering the nature of dispute and the nature of charges, let the departmental enquiry initiated against the petitioner be concluded within a period of 6 months subject to the petitioner's rendering full cooperation.
8. Let the petitioner appraise the authorities, so far as the order passed by this Court is concerned.
9. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge