

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 8288 of 2018**

Anand Mohan Gupta S/o Late Shri T. C. Gupta Aged About 67 Years
Occupation Retired Civil Surgeon, R/o Uma Sadan Nayaganj, Itwari Bazar
Raigarh, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mahanadi Bhawan, New Mantralaya, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. The Director Cum Commissioner Health And Family Welfare Department, Indrawati Bhawan, New Mantralaya, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. The Civil Surgeon Cum Chief Hospital Superintendent Lakhiram Agrawal Smrity Chikitsa Mahavidhyalay, Raigarh, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
4. Joint Director Treasury Account And Pension Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- **Respondents**

For petitioner	:	Mr. Vineet K. Pandey, Advocate.
For State	:	Mr. Chandresh Shrivastava, PL

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/12/2018

1. The prayer of the petitioner in the present writ petition is for dropping the department enquiry pending against the petitioner. The contention of the petitioner is that the petitioner was initially appointed as a Civil Surgeon in the year 1979 under the respondents and finally stood retired on attaining the age of superannuation on 31/08/2012. The contention of the petitioner is that though more than 6 years have passed, retiral dues of the petitioner till date have not been finalized. The contention of the petitioner is that the finalization of the retiral dues was not done on account of a pending departmental enquiry against the petitioner.
2. The first round of litigation was WPS No. 117/18, the said writ petition got disposed off on 8/1/2018 whereby the Court had directed the respondents to

decide the representation of the petitioner pending before the respondents. Subsequently, the respondents decided the representation vide order dated 15/5/2018 wherein, the representation stood rejected. Later on , the petitioner filed WPS No. 4497/2018 challenging the order dated 15/5/2018. This Court disposed off the writ petition with the following observations :-

“4.Considering the totality of the facts and also taking note of the fact that the respondents have been sitting over the departmental proceedings for almost 11 years, this Court does not intend to keep the Writ Petition pending, rather ends of justice would meet if the Writ Petition is disposed off with a direction to the respondent No.2 to ensure that the departmental enquiry is concluded and a final decision is taken within an outer limit of 90 days from the order passed by this Court is produced before the respondent No.2.

5. It shall be the responsibility of the petitioner to apprise the respondent No.2 of the order passed by this Court at the earliest for compliance.

6. If necessary, the respondent No.2 shall also instruct the concerned authority to proceed further with departmental enquiry on a day to day basis and it is further directed that the petitioner shall also render all cooperation for the early conclusion of the proceedings.”

3. Subsequent to it , the counsel for the petitioner submits that though more than 5 months have passed, till date there has been no substantial progress in the departmental enquiry. According to the petitioner this Court had ordered for dropping of the departmental enquiry if it is not completed within a period of 90 days and therefore this writ petition has been filed. At this juncture, the State counsel submits that the department has already taken steps for conducting the enquiry and an enquiry officer was also appointed on 14/09/2018. According to the State counsel perhaps on account of recently held Assembly Elections, the

enquiry could not have been completed and submits since the enquiry officers has been appointed, the enquiry shall be concluded at the earliest.

4. Given the facts and circumstances of the case also accepting the submissions made by the State counsel this Court is of the opinion that in the given facts and circumstances respondents are granted further period of 4 months, subject to the cooperation of the petitioner for concluding the departmental enquiry. If required as has been ordered earlier, the enquiry officer can conduct the enquiry on day to day basis . It is made clear that no further time shall be granted to the respondents in case if they fail to conclude the departmental enquiry within the further extended 4 months time. Proceedings initiated against the petitioner would thereafter have to be considered as automatically having dropped.

5. The writ petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Rohit