

HIGH COURT OF CHHATTISGARH, BILASPUR
WPS No. 340 of 2019

Satyaprakash Pandey S/o Late Shri Ramnagina Pandey Aged About 64 Years R/o Opposite Sai Mandir, Sai Nagar Ward No. 28, Jora, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Principal Secretary, Department Of School Education Mantralaya, Mahanadi Bhavan, Atal Nagar, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Director Directorate Of Public Instructions, Indravati Bhavan, Atal Nagar, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Deputy Director Cum Enquiry Officer, Directorate Of Public Instructions, Indravati Bhavan, Atal Nagar, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- **Respondents**

For petitioner	:	Mr. Abhyuday Singh, Advocate
For State	:	Mr. Salim Kazi, Dy. AG

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18/01/2019

1. The petitioner herein has filed the present writ petition aggrieved on the decision of the respondents in withholding the gratuity amount payable to the petitioner who has since retired w.e.f. 31/12/2016. The contention of the petitioner is that the petitioner also being paid provisional pension which has also not been finalized now on account of the pending departmental enquiry. It is further submitted by the counsel for the petitioner that the enquiry Officer in the case of the petitioner has been twice changed and the present Enquiry Officer has also now moved an application before the Disciplinary Authority expressing his inability in acting as a Enquiry Officer in the departmental enquiry against the petitioner any further and has prayed for his substitution.

2. It is further contended by the petitioner that though more than about 3 years have passed since the departmental enquiry was initiated but no substantial progress has been made in as much as none of the enquiry Officers till date have held even a single day sitting.

3. Given the aforesaid facts and circumstances of the case this Court is of the opinion that considering the period lapsed from the date of retirement of the petitioner and also taking note of the fact that his gratuity and pension has been either withheld or has been partly released, ends of justice would meet if the present writ petition is disposed off with direction to respondents to ensure that the Enquiry Officer against the petitioner under any circumstances should be concluded within an outer limit of six months from today. The Enquiry Officer whoever is appointed should be instructed to conclude the Enquiry on priority basis taking into consideration the fact that the petitioner stands retired for a period of three years by now.

4. With the aforesaid direction, the writ petition stands disposed off

Sd/-

(P. Sam Koshy)
JUDGE

Rohit