

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 366 of 2019

Manohar Rao Bhosale S/o Late Ramchandra Rao Bhosale Aged About 62 Years R/o Koundkera, Tahsil Rajim, District - Gariyaband, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Gramin Vikas Vibhag, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur Chhattisgarh.
2. Executive Engineer Gramin Yantri Sewa, Division Abhanpur, Raipur Chhattisgarh.
3. Collector Gariyaband Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Manay Nath Thakur, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18/01/2019

1. The grievance of the petitioner in the present writ petition is that the petitioner has been facing a departmental enquiry since 2010. The ground for initiating the disciplinary proceedings against the petitioner was his getting involved in the criminal case for the offence punishable under Sections 409, 420, 467, 469 & 471 of the Indian Penal Code.
2. The Criminal Court finally vide judgment dated 23.01.2015 acquitted the petitioner from all the charges leveled against him. Pursuant to the conclusion of the criminal case in favour of the petitioner, the petitioner has been approaching the authorities for dropping the disciplinary proceedings and not to proceed on it, any further.
3. It is brought to the notice of this Court that the Joint Secretary in the department has as early as on 14.03.2017 made a recommendation for dropping of the disciplinary proceedings in the light of the acquittal of the petitioner from the criminal case. However, the department till date has not

taken a final decision of dropping the proceedings and the petitioner is attaining the age of superannuation on the 31st of January, 2019.

4. The counsel for the petitioner submits that unless the respondents take a decision before 31st of January, 2019, the respondents may not finalize the retiral dues and the pensionary benefits that the petitioner is entitled for, including the revised payscale.
5. Given the limited grievance of the petitioner, this Court is of the opinion that taking note of the short period of service left for the petitioner to superannuate, no fruitful purpose would be served in keeping the petition pending, rather ends of justice would serve if the writ petition is disposed of with a direction to the respondent No.1 to take an early decision in the case of the petitioner, if possible, preferably before the petitioner crosses the age of superannuation, so as to enable the department to finalize the dues payable to the petitioner on his retirement at the earliest.
6. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved