

HIGH COURT OF CHHATTISGARH AT BILASPURCONT No. 216 of 2019

Omprakash Singh S/o Late Shri Trilok Singh Rajput Aged About 33 Years
Mukunda Bhawana, Bajnath Para, Rishabh Road Durg, Police Station
Durg, District- Durg, Chhattisgarh. **---- Petitioner**

Versus

S. L. Netam The Jail Superintendent, District Jail Rajnandgaon,
District- Rajnandgaon, Chhattisgarh. **---Respondent**

For petitioner	:	Shri Sunil Pillai, Advocate.
For State	:	Shri Saleem Kazi, Dy. A. G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09/04/2019**

1. The present contempt petition has been filed alleging non compliance of the order dated 01.10.2018 passed in WPS 6487 of 2018. The dispute in the writ petition was that the petitioner after remaining absence from duty for a considerable long period of time of more than 5 years, have reported for joining which was allegedly refused by the department. The petitioner then filed the writ petition in WPS 6487 of 2018 which was got disposed of on 01.10.2018, directing the respondent/State to take a decision in the case of the petitioner so far as his joining is concerned and also whether the petitioner would be entitled for salary for the intervening period.

2. The Counsel for the respondent has filed a reply whereby he has produced certain documents which shows that the department has already taken a decision to conduct an enquiry against the petitioner and for which a charge-sheet was also issued on 22.03.2019.

3. The Counsel for the respondent further submits that in the enquiry, the petitioner has been non cooperating in the early conclusion of the

Departmental Enquiry and inspite of repeated efforts being made, he avoided appearing in the enquiry proceedings frequently which is causing delay in the conclusion of the departmental enquiry.

4. At this juncture, the counsel for the petitioner submits that the petitioner pending the enquiry would have to be accepted as an employee of the department and the department is duty bound to declare his status as on date and also grant him monetary benefits whatever he is entitled for under the service rules like subsistence allowance during the period of suspension if he is treated as suspended

5. Having heard the contentions put forth on either side, on perusal of record, and considering the fact that it is a case where the petitioner has remained absent from duty since 12 January, 2018 onwards and that the department now has initiated a departmental enquiry, this Court is of the opinion that let the respondents take a decision so far as the direction given by this Court in WPS No. 6487 of 2018 dated 01.10.2018 on the conclusion of the departmental enquiry. It is expected that the enquiry officer would conclude the enquiry at the earliest.

6. The respondent is also directed to renderfull cooperation for an early conclusion of the departmental enquiry. So far as the salary and other benefits are concerned the same would be decided by the Department while concluding the departmental enquiry.

7. This contempt petition thus stands disposed off, reserving the right of the petitioner to challenge the subsequent developments by way of a fresh writ petition

Sd/-

(P. Sam Koshy)
JUDGE