

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 4213 OF 2019**

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 (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Health & Family Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. The Director cum Commissioner, Health & Family Welfare Department, Indrawati Bhawan, New Mantralaya, District Raipur (CG)
3. The Civil Surgeon cum Chief Hospital Superintendent, Lakhiram Agrawal Smriti Chikitsa Mahavidyalaya, Raigarh, District Raigarh (CG)
4. Joint Director, Treasury Account and Pension, Raipur, District Raipur (CG)

... Respondents

For Petitioner	:	Mr. Y.C. Sharma, Advocate.
For Respondent-State	:	Mr. Chandresh Shrivastava, Dy. A.G. along with Mrs. Sunita Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16/08/2019**

1. This is the fourth round of litigation.
2. The last round of litigation was WPS No. 8288/2018. The said writ petition was got disposed of on 13.12.2018. While disposing of the said writ petition, this Court had made the following observation:

“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.”

3. Four months have since passed and the Petitioner has now filed the present writ petition stating that since the aforesaid order has not been complied, he be released his retiral and pensionary benefits with interest.

4. On the previous date of hearing, this Court had directed the State Counsel to seek instructions so far as the effect of the order passed by this Court on 13.12.2018.
5. Today, during the course of hearing, Counsel for the Petitioner produces a correspondence made by the Additional Secretary, Health and Family Welfare Department, dated 11.7.2019, whereby it has been held that the departmental enquiry has been decided in favour of the Petitioner and the charges levelled against the Petitioner stands disapproved.
6. Given the aforesaid correspondence dated 11.7.2019, this Court is of the opinion that nothing further remains to be adjudicated upon in the present writ petition. However, the only relief that the Petitioner now can be granted is that the authorities to ensure that in the light of the departmental enquiry getting decided in favour of the Petitioner, he be granted all retiral dues payable to him preferably within a period of three months from today.
7. The Petitioner is directed to communicate this order to the higher authorities for an early decision.
8. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE

/sharad/