

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4238 of 2019**

Sanjeev Kumar Tiwari S/o Sheshnarayan Tiwari, Aged About 48 Years
Presently Posted As Head Constable, Reserve Police Line, Durg,
District Durg, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Principal Secretary, Home Department,
Mahanadi Bhawan Mantralaya, Atal Nagar, Naya Raipur, Chhattisgarh
2. Superintendent Of Police Durg, District Durg, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. T. K. Jha, Advocate
For State	:	Mr. Rahul Mishra, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board**

18.06.2019

1. The limited relief which the petitioner has sought for is to take an appropriate decision by respondent no.2 on the disciplinary action initiated against the petitioner.
2. Present is a second round of litigation. The earlier writ petition i.e. WPS No. 2312/2019 was disposed of on 05.04.2019. While disposing of the said writ petition, this Court, setting aside of an earlier order of respondent no.2 dated 21.01.2019 had directed respondent no.2 to take an appropriate decision on the enquiry report in accordance with

the rules governing the service conditions of the petitioner particularly the rules relating to disciplinary proceeding. Though the said writ petition was disposed of on 05.04.2019, till date no further decision has been taken by respondent no.2. Hence, the writ petition has been filed.

3. Without entering into the merit of the case so far as the disciplinary action or the disciplinary proceeding initiated against the petitioner is concerned, this Court is of the opinion that since the disciplinary proceeding has been pending against the petitioner for the last more than 2 years, it would be in the interest of justice if respondent no.2 takes an early decision on the said enquiry proceeding. This Court while disposing of WPS N0. 2312/2019 had given sufficient indication as to the powers which are vested upon respondent no.2 has to be exercised and therefore, respondent no.2 once again is directed to take an appropriate early action on the disciplinary proceeding pending against the petitioner. It is expected that respondent no.2 shall take an early decision preferably within a period of 60 days from the date of receipt of copy of this order.

4. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE