

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5361 of 2019**

Anil Kumar Thakur S/o Baliyar Ram Thakur, Aged About 36 Years,
 Posted As Assistant Grade - 3, Krishi Upaj Mandi Samiti, Balod,
 District – Balod, Chhattisgarh

---- Petitioner**Versus**

1. The Managing Director, Chhattisgarh State Agriculture Marketing Board, Raipur, Chhattisgarh
2. The Joint Director, Chhattisgarh State Agriculture Marketing Board, Divisional Office, Raipur, Chhattisgarh
3. The Assistant Director, Chhattisgarh State Agriculture Marketing Board, Divisional Office, Raipur, Chhattisgarh
4. The Secretary, Krishi Upaj Mandi Samiti, Balod, District - Balod Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Shikhar Bakhtiyar, Advocate
For Respondents	:	Mr. A. S. Kachhwaha, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****23.07.2019**

1. The limited relief that the petitioner has sought for in the instant writ petition is for a direction to the respondents to conclude the departmental inquiry contemplated against the petitioner at the earliest.
2. The facts of the case are that the petitioner is working as an Assistant

Grade-III under respondent no.4. He was placed under suspension on 18.06.2001. The petitioner was also subjected to criminal prosecution for the offence punishable under Sections 409, 467, 468 & 471 of IPC in Criminal Case No. 110 of 2013. In the criminal case, the petitioner got a judgment of acquittal on 21.12.2015. After acquittal, the respondents have revoked the suspension order vide order dated 31.01.2017 Annexure P-2. However, at the time of revocation of the suspension order, the respondents had passed an order that the entitlement of the petitioner for the period of suspension would be decided pursuant to the final outcome of the departmental inquiry.

3. Counsel for the petitioner, at this juncture, submits that though more than 2 ½ years have passed, the petitioner has not even been served with a charge sheet, therefore, an appropriate direction may be given to the respondents to conclude the departmental inquiry at the earliest.
4. The prayer made by the petitioner seems to be fair and reasonable as the petitioner's suspension order was revoked on 31.01.2017 pursuant to a judgment of acquittal in his favour from a Criminal Court of Law and the respondents themselves had earlier held that the status of the intervening period would be decided subject to the outcome of the departmental inquiry. However, 2½ years have passed, the respondents have till date not even issued a charge sheet.
5. Under the circumstances, the petitioner cannot be put to suffer for long for no fault on his part. Let the respondent No.4 take

appropriate steps ensuring that the departmental inquiry, if any is to be conducted, is concluded at the earliest preferably within an outer limit of 6 months from the date of receipt of copy of this order. In case the inquiry is not concluded within the said period, the entire proceeding should be deemed to have been dropped and the respondents authorities are supposed to pass an order as to how the intervening period has to be treated.

6. The writ petition accordingly stands allowed.

**Sd/-
P. Sam Koshy
Judge**