

HIGH COURT OF CHHATTISGARH AT BILASPURMCC No. 1024 of 2018

1. State Of Chhattisgarh, Through The Secretary, Health And Family Welfare Department, Mahanadi Bhawan, New Mantralaya, District Raipur, Chhattisgarh.
2. The Director Cum Commissioner, Health And Family Welfare Department, Indrawati Bhawan, New Mantralaya, District Raipur, Chhattisgarh.
3. The Civil Surgeon Cum Chief Hospital Superintendent, Lakhiram Agrawal Smrity Chikitsa, Mahavidhyalay, Raigarh District Raigarh Chhattisgarh.
4. The Joint Director, Treasury, Account And Pension, Raipur District Raipur, Chhattisgarh.

---Applicants

Versus

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, Chhattisgarh.

---Respondent

For applicants : Shri Salim Kazi, Dy.A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/01/2019

1. The present MCC has been filed seeking extension of time for compliance of the order passed by this Court on 11/07/2018 in WPS No. 4497/2018.
2. For ready reference, it would be relevant to quote the order passed by this Court in original Writ Petition.

“4. Considering the totality of the facts and also taking note of the fact that the respondents have been sitting over the

departmental proceedings for almost 11 years, this Court does not intend to keep the Writ Petition pending, rather ends of justice would meet if the Writ Petition is disposed off with a direction to the respondent No.2 to ensure that the departmental enquiry is concluded and a final decision is taken within an outer limit of 90 days from the order passed by this Court is produced before the respondent No.2.

5. It shall be the responsibility of the petitioner to apprise the respondent No.2 of the order passed by this Court at the earliest for compliance.

6. If necessary, the respondent No.2 shall also instruct the concerned authority to proceed further with departmental enquiry on a day to day basis and it is further directed that the petitioner shall also render all cooperation for the early conclusion of the proceedings.

7. In case if the respondents are not in a position to proceed further with departmental enquiry, then the respondent No.2 shall take a decision of dropping the entire proceedings immediately after the outer limit granted by this Court and take steps to release the balance of retiral dues and pension payable to the petitioner.”

3. The instant MCC has been filed after more than 6 months i.e. on 12/12/2018 seeking further extension of time.

4. The reason assigned is that, due to the recently held assembly elections and the model code of conduct being in force, the respondent could not act upon the order passed by this Court.

5. Though, this Court does not find the reasons assigned by the State to be satisfactory enough for non-compliance of the order passed by this Court, as more than 6 months time have lapsed, yet in the interest of justice reluctantly though this Court as a last opportunity extends it for a further period of 90 days.

6. It is made specific that in case if the applicants are unable to conclude the departmental enquiry within a period of 90 days, they should take all steps for dropping the departmental proceedings initiated against non-applicant No.1.

7. With the aforesaid direction, the instant MCC stands allowed and disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit