

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2950 of 2020**

Vijay Kumar Kaushal S/o Kirtan Lal Kaushal Aged About 36 Years R/o House No. 81 Poonam Colony, Wardhmaan Nagar, Rajnandgaon Tehsil And District Rajnandgaon Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Raipur Chhattisgarh.
2. Superintendent Engineer (Enquiry Officer) Poriyojna Mandal Pradhan Mantri Gram Sadak Yojna, Raipur, District- Raipur, Chhattisgarh
3. Executive Engineer (Presenting Officer) Village- Engineering Service, Rajnandgaon, District- Rajnandgaon, Chhattisgarh

---- **Respondents**

For Petitioner : Mr. Priyank Rathi, Advocate

For Respondents/State : Ms. Richa Shukla, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**ORDER**

14.09.2020

Heard

1. The petitioner was suspended vide order dated 25.01.2019, subsequently the State Government decided to conduct the enquiry on 09.04.2019. It is contended that the reply was filed and eventually the suspension was revoked on 06.02.2020. Thereafter, on 06.03.2020 the State Government decided to conduct a joint enquiry against the petitioner and others.
2. Learned counsel for the petitioner would submit that subsequent to order dated 16.03.2020 nothing has transpired. He placed his reliance in (2015) 16 SCC 415 and would submit that the enquiry if are being done, it has to be conducted within a reasonable period, it cannot be kept in uncertainty; therefore, the respondents be directed to conduct the departmental enquiry within a reasonable period of 3 months.

3. Per contra, learned State counsel would submit that due to lock-down in pandemic period, nothing could transpire and enquiry could not proceed; consequently, there is no deliberate delay caused by the respondents.
4. Be that as it may, the order passed on 16.03.2020 (Annexure P-8) would show that the State Government decided to hold a joint enquiry.
5. The Supreme Court in case of **Prem Nath Bali v. Registrar, High Court of Delhi & Anr.** reported in **(2015) 16 SCC 415** with respect to conclusion of enquiry within a reasonable time in para 26 to 28 observed as under :

“26. Time and again, this Court has emphasized that it is the duty of the employer to ensure that the departmental inquiry initiated against the delinquent employee is concluded within the shortest possible time by taking priority measures. In cases where the delinquent is placed under suspension during the pendency of such inquiry then it becomes all the more imperative for the employer to ensure that the inquiry is concluded in the shortest possible time to avoid any inconvenience, loss and prejudice to the rights of the delinquent employee.

27. As a matter of experience, we often notice that after completion of the inquiry, the issue involved therein does not come to an end because if the findings of the inquiry proceedings have gone against the delinquent employee, he invariably pursues the issue in Court to ventilate his grievance, which again consumes time for its final conclusion.

28. Keeping these factors in mind, we are of the considered opinion that every employer (whether State or private) must make sincere endeavor to conclude the departmental inquiry proceedings once initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as far as possible it should be concluded within six months as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time frame then efforts should be made to conclude within reasonably extended period depending upon the cause and the nature of inquiry but not more than a year.”

6. Considering the fact that the enquiry was ordered for on 16.03.2020 as on today 6 months have already passed. Now the lock-down started relaxation, the State functioning is on. Taking into such fact, following the principles laid down by the Supreme Court in case of *Prem Nath Bali* (supra), the respondents are directed to make all endeavour to conclude the departmental enquiry against the petitioner within a period of 6 months from the date of receipt of a copy of this order. It is further observed that if it is not possible for the employer to conclude the enquiry due to certain unavoidable causes within the time-frame, then efforts should be made to conclude within the reasonably extended period depending upon the cause and the nature of enquiry but not more than a year.
7. With the aforesaid observations, the writ petition stands disposed off.

Aks

Sd/-
Goutam Bhaduri
Judge