HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3408 of 2020

- Rajendra Prasad Tiwari, S/o Late Shri N.P. Tiwari, Aged About 61 Years R/o In Front Of Laxmi Rice Mill, Pendra Bhata, Janjgir, Police Station And Post - Janjgir, District Janjgir - Champa Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Department Of Home / Police, Mahanadi Bhawan, Mantralaya, Police Station And Post - Rakhi, Atal Nagar, Nawa Raipur, District - Raipur Chhattisgarh
2. Director General Of Police (D.G.P.) Police Headquarters (P H Q), Near Mahanadi Mantralay, Police Station And Post - Rakhi, Atal Nagar, Nawa Raipur, District - Raipur Chhattisgarh
3. Inspector General Of Police (I.G.P.) Office Of Inspector General Of Police (I.G.P.), Near Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh
4. Superintendent Of Police (S.P.) Office Of Superintendent Of Police (S.P.), Janjgir - Champa, District Janjgir - Champa Chhattisgarh
5. Enquiry Officer / Sub Divisional Police Officer (S D O P), Champa, District Janjgir - Champa Chhattisgarh

---- Respondents

For Petitioner	:	Shri Abhishek Pandey, Advocate
For Respondents/State	:	Ms. Akanksha Jain, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri

Order

23/09/2020

Heard.

1. Learned counsel for the petitioner would submit that the petitioner was charge-sheeted on 13.06.2017. Thereafter the enquiry officer and the presenting officer were appointed and an enquiry was conducted. He would further submit that after the conclusion of the enquiry, the report was submitted by the enquiry officer to the disciplinary authority and thereafter the petitioner was served with a show-cause notice calling reply from the petitioner over the final enquiry report. He would further submit that the petitioner accordingly submitted his

reply/representation on 01.12.2018 to the Inspector General of Police, Bilaspur to conclude the departmental enquiry, however, despite the considerable time has passed, the departmental enquiry has not been concluded.

2. Learned counsel for the petitioner, therefore, would submit that the respondent No.3 i.e. the Inspector General of Police, be directed to conclude the departmental enquiry within a reasonable time. 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 for uncertain period, therefore, the respondents be directed to conclude 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 be concluded, consequently, there is no deliberate delay caused by the respondents.

4. Be that as it may, since the petitioner has filed the reply to the enquiry report on 01.12.2018.

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.
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> 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 petitioner filed the reply to the enquiry report on 01.12.2018 as on today 1 year & 9 months have already passed. Now the lock-down is being relaxed, the State functioning is coming back to normality. 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 3 months from the date of receipt of a copy of this order as substantial part of departmental enquiry is already over. 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 6 months.

7. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
Goutam Bhaduri
Judge

Ashu