

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.632 of 2021**

Bachhu Bhai Khan, S/o Sekh Noor, Aged About 53 Years,
Presently Posted As Cook in the office of the Assistant
Commissioner, Tribal Welfare, Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh, Through The Secretary, Department Of Scheduled Castes And Scheduled Tribes Development, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office & Police Station Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh.
2. Commissioner, Department of Scheduled Castes And Scheduled Tribes Development, Indrawati Bhawan, Naya Raipur, Atal Nagar, Post Office & Police Station Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh.
3. Commissioner, Raipur Division, Raipur, Chhattisgarh.
4. Collector (Tribal Welfare), Raipur, District Raipur, Chhattisgarh.
5. Additional Collector, Raipur, District Raipur, Chhattisgarh.
6. Assistant Commissioner, Tribal Welfare, Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. B. D. Guru, Advocate.
For State/Respondents	:	Mr. Amit Buxy, P. L..

Hon'ble Shri Justice P. Sam Koshy, J**Order On Board****17.02.2021**

1. The limited relief that the petitioner has sought for is for an appropriate direction to the Respondent No.4 to take an expeditious decision on an enquiry, which was contemplated against the Petitioner.
2. The counsel for the petitioner submitted that the Collector on an earlier occasion vide order dated 15.04.2015 has passed the punishment order imposing punishment of stoppage of two increment without cumulative effect. The petitioner had preferred an appeal before the Divisional Commissioner, who in turn has vide order dated 13.10.2015 set aside the order of the Collector and have remitted back the matter to the Collector for a fresh decision in the disciplinary proceeding against the Petitioner after granting an opportunity of hearing to the petitioner. According to the Petitioner thereafter, there has been no further development and because of the said pending enquiry the Petitioner is not being considered for further promotion, which he is otherwise entitled for. That every time the petitioner approaches the authorities for his promotion they only say that the matter is pending consideration before the District Collector.
3. Considering the fact that the order of the appellate authority, the Commissioner dated 13.10.2015 and the fact that the more than six years has lapse since then, and no development has taken place in the enquiry pending against the Petitioner. The Writ Petition at this juncture stands disposed of directing the

Respondent No.4 to ensure that the disciplinary proceeding initiated against the Petitioner and which stands remitted to the Collector vide order Annexure P-4 dated 13.10.2015 be concluded and decided at the earliest preferably within a period of 4 months from the date of copy of receipt of the order.

Sd/-
(P. Sam Koshy)
Judge

Deepti Jha