

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2022 of 2021**

1. Dr Madhusudan Sharma S/o Late Shri Godawari Sharma, Aged About 61 Years Posted As Vaidya At Municipality Dispensary Municipal Council Champa District Janjgir Champa, Civil And Revenue District Janjgir Champa Chhattisgarh
---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development, Mahanadi Bhavan, Atal Nagar, New Raipur, P.O. And P.S. Naya Raipur, District Raipur Chhattisgarh
2. State Of Chhattisgarh Through Secretary, Department Of General Administration, Mahanadi Bhavan, Mantralaya, New Raipur, P.O. And P.S. Naya Raipur, District Raipur Chhattisgarh
3. Director, Directorate Of Urban Administration And Development, D Block, Fourth Floor, Indrawati Bhawan, Raipur Chhattisgarh
4. Joint Director, Directorate Of Urban Administration And Development, D-Block, Fourth Floor, Indrawati Bhawan, Raipur Chhattisgarh
5. Chief Municipal Officer, Municipal Council Champa District Janjgir Champa Chhattisgarh

---- Respondents

For Petitioner	:	Shri Rajendra Tripathi Advocate.
For State	:	Shri Amrito Das, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09.06.2021**

1. The grievance of the petitioner in the present writ petition is the prolonged departmental enquiry pending against him for almost 10 years now. The second grievance of the petitioner also is the non releasing of the salary and increment for the period between December 2006 to August 2013.

2. According to the counsel for the petitioner, he would retire in the month of July 2021 therefore, he has filed the present writ petition seeking for an appropriate direction to the respondents particularly, the respondent No. 5 to ensure that the departmental enquiry initiated be concluded at the earliest, if possible, before the retirement of the petitioner. The counsel for the petitioner further submits that petitioner has also not been paid the salary and increment for the period between December 2006 to August 2013, though he has discharged his duty for the entire period.
3. Given the aforesaid facts and circumstances of the case, there can be no doubt that the department has already taken a considerable long period of time for concluding the departmental enquiry initiated against the petitioner and foreseeing the retirement of the petitioner in July 2021, the Department has to take a decision positively taking the departmental enquiry to a logical conclusion. It is therefore ordered that respondent No. 5 to take all endeavors and steps ensuring that the departmental enquiry is taken up on priority basis and ensure that the same is concluded at the earliest preferably before the petitioner stands retired from service and also an appropriate decision on the basis of the finding of the enquiry report be taken. At the same time, the respondent No. 5 is also directed to look into the aspect of the non releasing of the salary and increment for the period between December 2006 to 2013, during which according to the petitioner he has discharged his duty uninterruptedly. This aspect should also be considered/decided by the respondent No. 5 before the petitioner crosses the age of superannuation. The Petitioner is also directed to

render all corporation to the department in getting the enquiry proceeding concluded. The petitioner is also directed to place copy of this order to the office of the respondent No. 5 immediately on the receipt of the same for an early compliance of the order.

4. The writ petition accordingly stands disposed of.

Sd/-

P. Sam Koshy
Judge