

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2625 of 2021**

Rajesh Tiwari S/o Shri Shivshankar Tiwari Aged About 62 Years (Running), Occupation- Asst. Engineer, Department Of Public Health Engineering Division Water Recharging Jagdalpur, District - Bastar (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Public Health Engineering, Mahanadi Bhawan, New Mantralay, Atal Nagar, District- Raipur (Chhattisgarh)
2. The Engineer-In-Chief, Public Health Engineering, Indrawati Bhawan, New Mantralay, Atal Nagar, District - Raipur (Chhattisgarh)
3. The Superintending Engineer, Public Health Engineering, Jagdalpur District - Bastar (Chhattisgarh),
4. The Executive Engineer, Public Health Engineering, Jagdalpur, District- Bastar (Chhattisgarh)

--- Respondent

For petitioner - Shri Avinash K. Mishra, Advocate.
For State – Shri Sudeep Verma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****19/05/2021**

Heard.

1. The case of the petitioner is that the petitioner was suspended pursuant to a case registered by the anti corruption bureau and he was suspended from 12/02/2015 to 16/06/2016. Subsequently, the petitioner was acquitted of the charges on 23/01/2019 and the department considered not to file an appeal in facts of that case. Thereafter, the petitioner made a representation that the period of suspension from 12/02/2015 to 16/06/2016 may be amalgamated in the regular service inasmuch as he is going to retire on 30/06/2021 which is evident from

(Annexure P-8).

2. Learned counsel for the petitioner would submit that the recommendation has already been made by the Chief Engineer, Public Health Engineering Department to the Under Secretary, State Government, Public Health Engineering Department by letter dated 27/06/2020 (Annexure P-7), however the same is pending adjudication.

3. Perused the documents. Perusal of the documents would show that the petitioner was initially suspended on a case being registered under the Prevention of Corruption Act, however after the trial he has been acquitted on 23/01/2019 (Annexure P-3). Thereafter, for the period of suspension from 12/02/2015 to 16/06/2016 the petitioner made a representation that his services be amalgamated and considered in the regular service which was considered by the Chief Engineer and recommendation was made to the State Government on 27/06/2020 by Annexure P/7. The petitioner is going to retire on 30/06/2021 which is evident from Annexure P-8. Considering the fact that recommendation has already been made to amalgamate the services of the petitioner in respect of the suspension period to the State Government by Annexure P-7 and since the petitioner is due to retire on 30/06/2021, in such case, indecisive act on the part of the State would further amount to multiplicity of the litigation despite the fact the petitioner would suffer irreparable loss about the settlement of the retiral dues. Under the circumstances, Secretary, Department of Public Health Engineering is directed to consider the recommendation of the Chief Engineer which has been forwarded by letter dated 27/06/2020 and pass a speaking order before the date of retirement of the petitioner dated 30/06/2021 to avoid the multiplicity of the litigation and further financial burden on the State.

4. With such observation, the petition stands disposed of.
5. Consequently, I.A. No.1 application for hearing during summer vacation and I.A. No.2 application for urgent hearing stands disposed of.

Sd/-

(Goutam Bhaduri)

Vacation Judge