

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2706 of 2021

Smt. Neelam Dewangan W/o Shri Rupendra Dewangan Aged About 35 Years R/o Sector No. 17, Quarter No. E-1-14, Near Construction House, New Raipur Police Station And Post Rakhi Atal Nagar, District Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Women And Child Development, Mahanadi Bhawan, Mantralaya, Police Station And Post Rakhi, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. Director Office Of Directorate, Department Of Women And Child Development, Mahanadi Bhawan, Mantralaya, Police Station And Post Rakhi, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
3. Collector/enquiry Officer Office Of Collector, Dhamtari, District Dhamtari Chhattisgarh
4. District Programme Officer/presenting Officer Department Of Women And Child Development, Dhamtari District Dhamtari Chhattisgarh

---- Respondents

For Petitioner	:	Shri Abhishek Pandey with Ms. Deepika Sannat, Advocates
For State	:	Ms. Akansha Jain, Dy. GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21.06.2021

1. The grievance of the petitioner in the present writ petition is confined to the prolonged departmental enquiry pending against the petitioner.
2. The facts in the case in brief is that the petitioner was working under the respondents as District Women and Child Development Officer. On the charges of financial irregularities the petitioner was issued with a charge

sheet on 23.09.2017 and subsequently the petitioner's service was placed under suspension vide order dated 22.07.2017. Later on, amended charge sheet was issued adding few more charges against the petitioner and meanwhile respondents also have appointed an Enquiry Officer and Presenting Officer to conduct and to present the departmental enquiry. It is almost four years now except for the issuance of the charge sheet no further substantial development has occurred in the departmental enquiry as has been contended by the petitioner. In view of the prolonged period that has transpired without departmental enquiry getting concluded the present writ petition has been filed. The limited prayer that petitioner has sought for is for appropriate direction to the respondents to conclude the departmental enquiry at the earliest within the stipulated period.

3. State counsel on the other hand opposing the petition submits that initially when the departmental enquiry was contemplated the petitioner was placed under suspension. However, realizing the aspect that the departmental enquiry is not getting concluded at the earliest, the respondents have themselves revoked the suspension order and petitioner has been taken back in service and as such petitioner should not have any grievance on the pendency of the departmental enquiry.
4. Having heard the contentions put forth on either side and on perusal of records, the facts narrated by the petitioner seems to be admitted and not in dispute. Four years time is a pretty long time for any departmental enquiry to be concluded. Moreover, in the instant case if the contention of the petitioner is to be believed the delay has not occurred on account of any administrative reasons or for any practical difficulty but on account of sheer inaction on the part of respondents, particularly the Enquiry Officer not proceeding with the enquiry. One can understand if the departmental enquiry is effectively conducted and it could not be concluded then

perhaps there can be justifiable reasons for the respondents to take time in concluding the same. However, if the enquiry has not progressed substantially, the delay in the concluding of the departmental enquiry at times becomes detrimental to the career prospect of an employee.

5. It would be relevant at this juncture to refer to the judgment of the Hon'ble Supreme Court in the case of **Premnath Bali Vs. Registrar, High Court of Delhi and another, (2015) 16 SCC 415**, wherein the Hon'ble Supreme Court dealing with the issue of prolonged departmental enquiry has in paragraph 26 to 28 has held 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. Given the authoritative decision by the Hon'ble Supreme Court and also taking into consideration the substantial period of four years time that have lapsed after the date of issuance of charge sheet, this Court is of the opinion that writ petition can be disposed of directing the respondents to make all endeavours to conclude the departmental enquiry within the further period of 6 months time starting from today failing which the respondents are directed to ensure taking appropriate steps in the light of the judgment of the Supreme Court in the case of Premnath Bali (Supra) to drop the proceedings in case if they are unable to proceed with the departmental enquiry for justifiable reasons and in case if there are any bonafide, genuine and cogent reasons available on the administrative side then also appropriate measures should be taken to ensure that departmental enquiry is expedited as early as possible.
7. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit