

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4243 of 2021**

1. Pushyamitra Sharma S/o Late S.K. Sharma Aged About 42 Years
Occupation-Serviceman, R/o 259, Sundar Nagar, Raipur, Chhattisgarh

---- Petitioner**Versus**

1. Chhattisgarh State Power Distribution Company Limited Vidyut Sewa Bhawan, Danganiya, Raipur, District- Raipur, Chhattisgarh
2. The Chairman, Chhattisgarh State Power Companies Limited, Raipur, District-Raipur, Chhattisgarh
3. The Executive Director (Hr) Chhattisgarh State Power Distribution Company Limited, Raipur, District-Raipur, Chhattisgarh
4. The Executive Engineer (O And M), Chhattisgarh State Power Distribution Company Limited, Raipur, District-Raipur, Chhattisgarh

---- Respondents

For Petitioners : Shri Kshitij Sharma, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****16.08.2021**

1. The grievance of the petitioner seem to be the long pending disciplinary proceedings initiated against the petitioner.
2. The facts of the case are that the petitioner was appointed as an Assistant Engineer and is still substantively holding the post of Assistant Engineer under the respondents. On an alleged ground of irregularities committed by some of the Officers under the respondents, an enquiry was said to be conducted and an enquiry report was submitted on 20.11.2020. Based upon the said enquiry report, the petitioner was issued with a show-cause notice

calling upon his explanation in-respect-of the alleged role played by the petitioner in the alleged irregular transactions. The petitioner submitted a detailed reply to the said show-cause notice to the authorities concerned but there was no further development thereon.

3. It was the contention of the petitioner that he has been falsely and wrongly implicated in the said disciplinary proceedings and that he had as such no role to play in the entire alleged irregular transaction. However, after more than five years, suddenly the petitioner was issued with a charge-sheet on 09.11.2017. To this also, the petitioner submitted a detailed reply on 19.12.2017. Thereafter, again there was no further development for more than a couple of years and suddenly vide order dated 03.12.2020, the respondents have appointed an Enquiry Officer and a Presenting Officer for conducting an enquiry in-respect-of the alleged allegation made against the petitioner.
4. The reason why the petitioner has approached this Court is that on account of the aforementioned disciplinary proceedings initiated and pending against the petitioner, he is being deprived of his right of promotion, while his batch-mates and Juniors have all been considered and promoted way-back superseding the petitioner for no fault of his.
5. It is the further contention of the petitioner that he has been subjected to face this disciplinary proceedings right from the time of the initial show-cause notice that was issued in the year 2012 and it is almost nine years now, he still suffers the same.
6. According to the petitioner, the respondent-authorities ought to have taken a positive decision at the first instance and should have concluded the departmental enquiry promptly without any delay. If not, at-least now the respondent-authorities should take all necessary steps in ensuring that the

departmental enquiry initiated, should be concluded within a reasonable period of time. According to the petitioner, in case, if the respondents don't have any proof or witnesses against the petitioner in-respect-of the allegation made against the petitioner, the respondent-authorities should drop the proceedings also so that the petitioner's claim for further promotion can materialize.

7. Learned counsel for the petitioner at this juncture referred to a circular of the respondents dated 21.01.2021 issued by the General Manager of the Respondents whereby it has been expected of all the disciplinary authorities to ensure that all those cases where the disciplinary proceedings are initiated, are taken to a logical conclusion at the earliest within a period of one year. In-spite of this circular, though more than eight months have lapsed, the respondents have not taken any steps for the conclusion of the departmental enquiry.
8. Given the entire facts and circumstances of the case, particularly taking note of the circular of the respondent dated 21.01.2021 (Annexure P/16) and also taking note of the fact that the petitioner is facing the disciplinary proceedings since 2012 onwards and on the previous occasion, his promotional prospect also has been deffered, the present writ petition at this juncture can be disposed of directing the respondents No. 2 to 4 to take all necessary steps in ensuring that the disciplinary proceedings initiated against the petitioner is concluded at the earliest preferably within a maximum period of one year in-terms of thereon circular dated 21.01.2021 issued by the General Manager of the Respondent.
9. In the event, if the respondents find it difficult to proceed further with the departmental enquiry, the respondents should not hesitate in dropping the

disciplinary proceedings in accordance with law and for grant of consequential benefits which the petitioner would thereby be entitled for.

- 10.** With the aforesaid observations/directions, the present writ petition stands disposed of.

Sd/-

P. Sam Koshy
Judge

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