

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 3638 OF 2019**

- Premnarayan Gupta, S/o Shri Shriram Gupta, aged about 62 years, Retired Accountant from the Office of Regional Transport Officer, Bilaspur, R/o Shividhaam Colony, near New Bus Stand, Balpurwa, Shahdol (M.P.)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Department of Transport, Mahanadi Bhawan, Masntaralaya Police Station Mandir Hasaud, Naya Raipur (C.G.)
2. The Transport Commissioner, Office of Transport Commissioner, New Bus Stand, Pandri, Police Station Pandri, Raipur (C.G.)
3. The Regional Transport Authority, Bilaspur, District Bilaspur (C.G.)

... Respondents**And****WRIT PETITION (S) NO. 5092 OF 2021**

- Premnarayan Gupta, S/o Late Shri Ram Gupta, aged about 66 years, R/o Shividhaam Colony, near New Bus Stand, Balpurwa, Shahdol (M.P.)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Transport Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur (C.G.)
2. Transport Commissioner, Office of Transport Commissioner, Office at New Bus Stand, Pandri, Police Station Pandri, Raipur, District Raipur (C.G.)

... Respondents

For Petitioner	:	Mr. Shashank Thakur, Advocate.
For Respondents	:	Mr. Amrito Das, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[30/09/2021]**

1. The present two Writ Petitions pertain to the same Petitioner and the matter revolves around the same issue, therefore, the two Writ Petitions are being disposed of by this common Order.

2. W.P.(S) No.3638/2019 is a petition wherein the challenge is to the impugned Order dated 26.6.2018 (Annexure P-1) whereby the Department has passed an Order for holding back the releasing of retiral

dues to Petitioner on account of pendency of Departmental Enquiry and also on account of an alleged noting of the Joint Director (Treasury) in respect of certain alleged excess payment made to Petitioner while he was in service.

3. Similarly, W.P.(S) No.5092/2021 is a petition which has been filed seeking for a limited direction to Respondents to conclude the departmental enquiry pending against Petitioner at the earliest.

4. Learned Counsel for Petitioner submits that the Petitioner is facing a Departmental Enquiry since 2014 and pending the Departmental Enquiry itself he stood retired from services on 31.7.2018 and even after retirement it is more than three years now that the enquiry has not been concluded. Further contention of learned Counsel for Petitioner is that, so far as the enquiry is concerned, the Enquiry Officer has concluded the proceeding and submitted the Enquiry Report to the Disciplinary Authority and the matter is lying with the Disciplinary Authority to take a final decision.

5. Given the aforesaid facts, learned Additional Advocate General appearing for Respondents submits that so far as W.P.(S) No.5092/2021 is concerned the same may be disposed of for conclusion of the Departmental Enquiry at the earliest. As regards W.P.(S) No.3638/2019, learned Additional Advocate General submits that much would depend upon the outcome of the Departmental Enquiry initiated against Petitioner and also the alleged noting in respect of excess payment said to have been made to Petitioner and immediately after the conclusion of the Departmental Enquiry the entire retiral dues payable to Petitioner shall be processed forthwith.

6. Given the submissions put forth on either side, W.P.(S) No.5092/2021 at this juncture is disposed of directing the Disciplinary Authority to ensure that the Enquiry pending against Petitioner since 2014 in respect of the Departmental Enquiry initiated vide Order dated 4.7.2014 is concluded within a period of three months.

7. Similarly, W.P.(S) No.3638/2019 is also disposed of at this juncture with a direction that subsequent to the final decision taken by the Disciplinary Authority on the Departmental Enquiry, the Authorities concerned would ensure that the admissible retiral dues payable to Petitioner is processed and finalized within a further period of 30 days from the date the final decision is taken on the Departmental Enquiry.

8. Both the Writ Petitions accordingly stand disposed of.

Sd/-
(P. Sam Koshy)
Judge

/sbarad/