

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5559 of 2020

1. Dineshchandra Pathak S/o Shri Babulal Pathak, Aged About 62 Years R/o Village Juna Bilaspur, Police Station City Kotwali, District - Bilaspur, Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Principal Secretary Panchayat and Social Welfare Department, Mahanadi Bhawan, New Raipur Chhattisgarh.
2. The Commissioner, Bastar Division, District - Bastar, Jagdalpur, Chhattisgarh.
3. The Collector Bastar, District - Bastar, Jagdalpur, Chhattisgarh.
4. Chief Executive Officer, Janpad Panchayat Orcha, District - Kondagaon, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Abhishek Pandey, Advocate.
For State	:	Shri Sudeep Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27.01.2021

1. The grievance of the petitioner in the present writ petition is the inaction on the part of the respondent No.2 in not accepting the memo of Appeal preferred by the petitioner.
2. Perusal of the records would show that the petitioner while working on the post of Sahayak Gram Panchayat Adhikari was inflicted with punishment of stoppage of two annual increments with cumulative effect on 07-09-07. The said order was not challenged by the petitioner at that point of time either before the departmental appellate authority or before any other court of law. By efflux of time the same has attained its finality. The petitioner subsequently also got promoted on the post of Assistant Internal Examination and Taxing Officer and stood retired from service w.e.f. 30.06.2020. Subsequent to the retirement from service, the petitioner has now preferred a departmental appeal against the punishment order dated 07.09.2007 which has been orally refused to be accepted by the

authorities concerned which has led to the filing of the present writ petition in December, 2020.

3. At the outset, this court is of the opinion that no case as such has been made out by the petitioner calling for an interference or for issuing any writ by this court. The petitioner with wide open eyes accepted the order of punishment that was issued as early as on 07.09.2007. He did not have any objection at that point of time. He continued in service with the said punishment order. He even got promotion order issued thereafter and finally he stood retired from service on 30.06.2020.
4. Under the circumstances, the authorities at this juncture cannot be directed to accept the appeal which the petitioner intends to file against the order that was passed almost 13-14 years ago. The writ petition therefore being devoid of merit deserves to be and is rejected.

Sd/-
(P. Sam Koshy)
Judge

inder