

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No.8767/2012

Govind Singh son of Shri Ramsharan, aged about 59 years 9 months, resident of VPO Tohari, Tehsil Weir, district Bharatpur.

----Petitioner

Versus

- 1 State of Rajasthan through its Additional Chief Secretary, Home Department, Government Secretariat, Jaipur.
2. Director General of Police, Rajasthan, Jaipur.
3. Inspector General of Police, Headquarters, Rajasthan, Jaipur.
4. Deputy Inspector General of Police, Bharatpur Range, Bharatpur.
5. Superintendent of Police, Sawaimadhopur, district Sawaimadhopur.

----Respondents

For Petitioner(s) : Mr.Ashok Bansal

For Respondent(s) : Mr.Vinod Kumar Gupta, Addl.GC.

JUSTICE ANOOP KUMAR DHAND

Order

18/03/2025

1. Learned counsel for the petitioner submits that the petitioner stood retired on 31.08.2012 and a few months prior to his retirement, i.e., on 13.04.2012 a charge-sheet under Rule 16 of the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958 (for short, "the Rules of 1958") was served upon the petitioner. Counsel submits that more than 13 years have passed, and till date, the departmental proceedings have not been concluded by the respondents for the reasons best known to them. Counsel submits that because of the pendency of departmental enquiry against the petitioner, he is not in a position

to get the retiral benefits, therefore, appropriate direction be issued to the disciplinary authority to conclude the departmental proceedings and pass appropriate orders.

2. Learned counsel for the respondent-State has no objection, in case, such directions are issued.

3. Heard and considered the submissions made at Bar and perused the material available on record.

4. In the case of **Prem Nath Bali Vs. Registrar, High Court of Delhi and Ors.**, reported in **AIR 2016 SC 101**, the Hon'ble Apex Court has emphasized that it is the duty of the employer to ensure that the departmental enquiry 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 enquiry, then it becomes all the more imperative for the employer to ensure that the enquiry is concluded in the shortest possible time to avoid any inconvenience, loss and prejudice to the rights of the delinquent employee.

4. As a matter of experience, this Court notice that after completion of the enquiry, the issue involved therein does not come to an end because if the findings of the disciplinary proceedings have gone against the delinquent employee, he invariably pursues the issue in the Court to ventilate his grievance, which again consumes time for its final conclusion.

5. Keeping these factors in mind, this Court is of the considered opinion that every employer (whether State or private) must make sincere endeavour to conclude the proceedings of departmental enquiry, 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 and where it is not possible for the employer to conclude the disciplinary proceedings within the time frame, due to certain unavoidable causes arising in the proceedings, then efforts should be made to conclude the same within reasonably extended period depending upon the cause and the nature of enquiry.

6. Considering the limited prayer made by the counsel for the petitioner, the instant writ petition stands disposed of with the direction to the respondents to conclude the departmental proceedings (pending, if any), expeditiously as early as possible, preferably within a period of six months from the date of receipt of certified copy of this order.

7. Stay application and all application(s), pending if any, also stand disposed of.

(ANOOP KUMAR DHAND),J