
(2019) 11 UK CK 0040

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 516 Of 2019

Santosh Kumar Srivastava

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 06-11-2019

Acts Referred:

Citation : (2019) 11 UK CK 0040

Hon'ble Judges : Ramesh Ranganathan, CJ;Alok Kumar Verma, J

Bench : Division Bench

Advocate : Sanjay Bhatt, Anil Bisht

Final Decision : Disposed Of

Judgement

Ramesh Ranganathan, CJ

1. Heard Mr. Sanjay Bhatt, learned Advocate for the petitioner and Mr. Anil Bisht, learned Standing Counsel for the State Government, and, with their consent, the writ petition is disposed of at the stage of admission.

2. The petitioner is an Assistant Engineer with the Minor Irrigation Department of the Government of Uttarakhand. He retired from service on attaining the age of superannuation on 31.08.2019. His complaint in this Writ Petition is regarding non-release of his post retiral dues including GPF, gratuity, commutation pension etc.

3. The petitioner was issued a charge-sheet on 12.03.2019 to which he claims to have submitted his reply. He has invoked the jurisdiction of this Court seeking a mandamus to the respondents to release his post retiral dues, and to take a final decision on the reply submitted by him to the charge-sheet dated 12.03.2019. The charge-sheet relates to misappropriation of material for a sum in excess of Rs. 63 Lacs. It is evident, therefore, that non-release of the petitioner's retiral benefits is on account of the allegations leveled in the charge-sheet, pursuant to which a recovery citation was also issued on 18.07.2019 directing the petitioner

to pay a sum of Rs. 37,72,923/-.

4. Since disciplinary proceedings are still pending, this Court may not be justified in directing the respondents to release the petitioner's retiral benefits. The fact, however, remains that the charge-sheet was issued to the petitioner on 12.03.2019 more than six months ago. The petitioner's complaint is that, except for issuing a charge-sheet, no progress has been made thereafter, regarding the disciplinary enquiry, though the petitioner submitted his reply to the charge-sheet in April, 2019.

5. While submitting that the petitioner cannot be paid his retiral dues, since he is alleged to have misappropriated a sum in excess of Rs. 67 Lacs and, if he is found guilty, the said amount is liable to be recovered from his retiral benefits, Mr. Anil Bisht, learned Standing Counsel, would fairly state that the petitioner may be justified in his claim that the disciplinary enquiry should be completed early.

6. Enquiry into allegations of misappropriation do not brook delay. It is in interest of both the employee and the employer that the enquiry, initiated into such grave and serious allegations of misappropriation of public funds, is finalized at the earliest. Instead of keeping the writ petition pending on the file of this Court, suffice it to dispose of the writ petition directing the first-respondent to take further action pursuant to the disciplinary enquiry initiated against the petitioner, ensure that the enquiry is completed with the utmost expedition, and that final orders are passed pursuant to the report of the Enquiry Officer after complying with the prescribed rules and the rule of natural justice. The entire exercise, culminating in a final order being passed by the Disciplinary Authority, shall be completed within four months from the date of production of a certified copy of this order.

7. The writ petition stands disposed of accordingly. No costs.