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**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 308 of 2023**

- Sanjay Khote, S/o - Late Shri Rajesh Khote Aged About 58 Years Presently Posted As Assistant Engineer, Public Health Engineering Department, District- Kondagaon, Chhattisgarh R/o- Unit No.-30, Block-E, Devaki B3, Vrindavan Colony, Jamtha, Nagpur, Maharastra

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through Its Secretary, Public Health Engineering Department, Mantralay Mahanadi Bhawan, Naya Raipur, Atal Nagar, District : Raipur, Chhattisgarh
2. Superintendent Engineer Public Health Engineering Department, District : Kondagaon, Chhattisgarh
3. Chief Engineer Public Health Engineering Department, District- Jagdalpur, Chhattisgarh

---- **Respondents**

For Petitioner : Shri Mateen Siddiqui, Advocate  
For Respondents/State ; Shri Ravi Bhagat, Dy GA

**Hon'ble Shri Justice Parth Prateem Sahu**

**Order on Board**

**16.01.2023**

1. Heard.

2. Learned counsel for petitioner submits that petitioner while working on the post of Assistant Engineer, Public Health Engineering Department, Kondagaon, submitted an application for Voluntary Retirement of Service (VRS). Application submitted by petitioner was forwarded by his immediate superior officer to the Chief Engineer, ie respondent-3. When no order is passed on his application, petitioner submitted representations before respondent-1 on 09.10.2022 and 03.11.2022 but till date, neither application of petitioner is considered nor representation submitted is decided and replied. He submits that according to proviso under Rule 42((1) of Chhattisgarh Civil Services (Pension) Act, 1976, respondents are duty bound to consider application within specified period of six months. Almost one year is already elapsed from the date of submission of application, therefore, at this stage, grievance of petitioner would be redressed if a direction is issued to respondents to take decision on application submitted by petitioner for his VRS.



3. Learned counsel for the State submits that as petitioner is only seeking a direction to respondents to consider and decide application and representation submitted by petitioner, he is having no objection.

4. Heard learned counsel for the parties.

5. Perusal of record of writ petition would show that petitioner submitted representation on 21.02.2022 through proper channel requesting for his VRS after completion of 20 years of service. Application submitted by petitioner was forwarded by the immediate Superior Officer ie Superintendent, Public Health Engineering Department, Kondagaon on 25.02.2022 to respondent-3. Petitioner submitted representation in the month of October, and November for taking decision on the pending application for VRS but till date, no decision has been taken as submitted by counsel for petitioner. Proviso to Rule 42 of the Act, 1976 provides for six months for deciding application for VRS. As of now, one year has already completed from the date of submission of application but it has not been considered and decided.

6. In aforementioned facts and circumstances of the case, I find it appropriate to dispose of this writ petition at this stage, instead of keeping pending this petition seeking reply from respondents, directing respondents to take appropriate decision on application for VRS submitted by petitioner and forwarded by respondent-2 on 25.02.2022 in accordance with law expeditiously, preferably within a period of **eight weeks** from the date of receipt of copy of order passed by this Court.

7. Accordingly, writ petition stands disposed of.

8. Certified copy as per rules.

Sd/-  
(Parth Prateem Sahu)  
JUDGE