



**Serial No.25**  
**Regular List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

WP(C). No. 38 of 2025

Date of Decision: 05.02.2026

Dr. Subhash Chandra Srivastava,  
aged about 66 yrs, Retired Prof.,  
Department of RDAP, NEHU, Tura Campus,  
S/o – Late Amar Nath Srivastava,  
Permanent Add: 36, Hashimpur Road,  
Prayagraj, Uttar Pradesh-211002,  
Erstwhile Add,: R/o- Dept. of RDAP,  
NEHU, Tura Campus, Chasingre,  
Dist.-Tura Meghalaya-794001.

...Petitioner

-Versus-

1. The Union of India, represented by:  
The Secretary, Ministry of Human  
Resources Development,  
Government of India, New Delhi.
2. The Vice Chancellor,  
North Eastern Hill University, NEHU Campus,  
District: East Khasi Hills, Meghalaya-793022.
3. The Registrar, North Eastern Hill University,  
Administrative Building (NEHU), Shillong,  
Meghalaya – 793022.
4. The Joint Registrar (Estt II),  
North Eastern Hill University,  
Administrative Building (NEHU), Shillong,  
Meghalaya – 793022.

...Respondents




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**Coram:**

**Hon'ble Mr. Justice H.S.Thangkhiew, Judge**

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**Appearance:**

For the Petitioner/Applicant(s) : Mr. T.H. Hazarika, Adv.  
Mr. A.Rashid, Adv.

For the Respondent(s) : Mr. S.Sen, Adv.  
Ms. E.Blah, Adv.  
Ms. S.Dhar, Adv.

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| i)  | Whether approved for reporting in<br>Law journals etc: | Yes/No |
| ii) | Whether approved for publication<br>in press:          | Yes/No |

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**JUDGMENT AND ORDER (ORAL)**

1. The petitioner, a retired Professor of the North Eastern Hill University (NEHU) is before this Court against the denial of his prayer by the respondents to treat the period under suspension as period in service and for grant of increment in salary from July, 2018, and for payment of arrears etc.

2. The brief facts are that the petitioner during his service on 08-11-2017 was placed under suspension following a complaint of harassment by a Ph.D. Scholar, which led to the registration of Tura Women Police Station case No. 76(11) 2017 under Sections 506 and 509. The petitioner, during the period of suspension had challenged the same by way of WP(C). No. 18 of



2018, and this Court by order dated 05-02-2019, directed the NEHU to consider his case for reinstatement as per rules. Consequently, the petitioner was reinstated on 15-03-2019.

3. Thereafter, the criminal case against the petitioner was compounded before the trial court by order dated 13-12-2019, passed in G.R.Case No.336/2017. The petitioner then submitted a representation on 06-02-2020, before the Registrar NEHU, enclosing the order dated 13-12-2019 with a request for closure of the departmental inquiry which had been instituted against him and for treatment of his suspension period i.e., 08-11-2017 to 15-03-2019 as a period under service. The departmental inquiry against the petitioner was then closed after due deliberation in the 182<sup>nd</sup> Executive Council Meeting of NEHU by a resolution. The petitioner thereafter, had represented most recently, by representations dated 21-06-2022 and 21-11-2022, requesting the University to treat the suspension period as period in service, release the arrears of salary, grant the due annual increment and to re-adjust subsequent increments with financial benefits. However, the requests were rejected by NEHU in its meeting of the 187<sup>th</sup> Executive Council.

4. Mr. T.H. Hazarika, learned counsel for the petitioner has submitted that the compounding of the offence against the petitioner under Section 320 of the CrPC has resulted in the acquittal of the accused, and as the petitioner



was acquitted of all charges, by the order dated 13-12-2019, the suspension period should be counted as a period in service. It is then submitted that the departmental inquiry had also been formally closed by NEHU and therefore, there were no proceedings, criminal or departmental, pending against the petitioner. The denial of increments and treating the period as not on duty, it is submitted, amounts to a continuing punishment which is arbitrary and against settled legal principles. The learned counsel has placed reliance on FR-54B, which governs the consideration of service upon reinstatement after suspension, and submits that, as the case has been compounded and the departmental proceedings closed, the competent authority was obligated to pass orders treating the suspension period as on duty, and grant all financial benefits including the arrears of salary and the annual increment for 2018, which has been withheld.

5. Mr. S.Sen, learned counsel for the respondents, in reply, has submitted that the suspension of the petitioner was justified given the serious nature of the sexual harassment allegations, and the mere fact that the case was later compounded, will not render the period under suspension as being on duty. The decision to deny the petitioner, he submits, was arrived at in the 187<sup>th</sup> Executive Council Meeting after the respondents had obtained the legal opinion while deciding the representation. The learned counsel has then referred to FR-54B (3) more particularly to the proviso thereto, and has



submitted that it is provided therein that it is only when the competent authority is of the opinion that the suspension was wholly unjustified, that he would be paid full pay and allowances to which he would have been entitled to, had he not been suspended. Apart from this submission, it has also been contended that the petitioner's claim of substantial sum is self-calculated and not admissible, and that the authority to regularise the period under suspension and computation of dues rests solely with NEHU. He therefore, submits that the writ petition is liable to be dismissed for the reasons aforementioned.

6. On hearing the learned counsel for the parties, to the mind of this Court, what needs to be examined is the purport of FR-54B, especially the proviso to FR-54B (3) in the backdrop of the facts and submissions as placed above. The undisputed fact is, firstly, that the case was compounded on an application by the complainant under Section 320 CrPC by order dated 13-12-2019, passed by the Court of Judicial Magistrate First Class, Tura, which finds place at Annexure-3 to the writ petition. Compounding of an offence which are generally private offences, it is noted, lead to the accused's acquittal and within Section 320 itself, there are 2 categories i.e. minor offences and more serious offences. In the instant case, it can be seen that the alleged offence under Section 506 was a minor offence, which is



compoundable by the victim without the Courts permission. As such, therefore, the petitioner stood acquitted in the said case.

7. Further is the fact that the University in its 182<sup>nd</sup> Executive Council Meeting held on 16-12-2021, as can be seen from the records, had accepted the recommendation of the Inquiry Committee to close the case (departmental proceedings). FR-54B deals with the treatment to be given to the government servant who is reinstated after having been suspended and FR-B (1) allows the competent authority who has ordered reinstatement to make specific orders regarding pay and allowances to be paid for the period of suspension ending reinstatement, and whether or not, the said period be treated as a period spent on duty. The respondents, as observed earlier, have taken recourse to FR-54B (3), to justify the withholding of the arrears of salary and increments. An examination of FR-54B (3) would show that denial of such entitlements on reinstatement as per the proviso, would arise when the authority is of the opinion that the termination of the proceedings instituted against the government servant, had been delayed due to reasons directly attributable to the government servant. In the instant case, delay has never been a factor, and as such therefore, the reliance of the respondents in support of their case on the proviso FR-54B (3) in the considered view of this Court is misplaced. Further, the petitioner on the compounding of the case stood acquitted. As such, there being no impediment legally or



otherwise for the respondents to treat the period under suspension as on duty, the case of the writ petitioner succeeds.

8. Accordingly, the respondents are directed to:-

- (i) Treat the period of the petitioner's suspension from 08-11-2017 to 15-03-2019 as a period spent on duty and;
- (ii) calculate and disburse the arrears of salary and allowances for the said period along with the notional increment due in 2018 and to recalibrate and refix the petitioner's pay and benefits from the date the increments would have taken effect until the date of retirement.

9. The entire exercise shall be completed expeditiously preferably within a period of three months from the date a copy of this order is served upon the respondents.

10. In the circumstances therefore, as ordered above, the writ petition is allowed and disposed of.

**Judge**