

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2476 of 2015

- Anuj Kumar Bhargav S/o Sri Sewak Ram Bhargav, Aged About 30 years R/o Village Kormi, P.O. Hardikala (Tona), Tah. & District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

- State Of Chhattisgarh Through Its Principal Secretary, Department of Panchayat and Rural Development, Mantralaya, Naya Raipur, (Chhattisgarh)
- Secretary, Department of Panchayat and Rural Development, Mantralaya, Naya Raipur, (Chhattisgarh)
- Deputy Secretary, Department of Panchayat and Rural Development, Mantralaya, Naya Raipur, (Chhattisgarh)
- Commissioner, Mahatma Gandhi Rastriya Gramin Rojgar Guarantee Yojana (MANREGA) Indrawati Raipur, (Chhattisgarh)
- Collector, District Janjgir Champa, (Chhattisgarh)
- Chief Executive Officer, Jila Panchayat, Dist. Janjgir Champa, Chhattisgarh
- Chief Executive Officer, Janpad Panchayat, Malkharoda, District Janjgir Champa (Chhattisgarh)
- Executive Engineer, Gramin Yantiki Sewa Sambhag, Janjgir, Distt. Janjgir- Champa (Chhattisgarh)
- Karyakram Officer, MANREGA, Janpad Panchayat, Malkharoda, Distt. Janjgir- Champa (Chhattisgarh)

---- Respondent

For Petitioners

Mr. Ravi Ranjan Sinha, Advocate

For Respondent /State

Mr. Shashank Thakur, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

14/07/2015

Heard finally with the consent of learned counsel for the parties.

(2) The petitioner is working as Technical Coordinator in Janpad Panchayat, Malkharoda District Janjgir-Champa. On allegation of certain irregularities, the petitioner has been suspended vide order passed by the State Government on 30.09.2014 (Annexure P/3) and a Departmental Enquiry is presently proceeding against him.

(3) The only ground urged to challenge the order of suspension is that the authorities have served the charge sheet on the petitioner after expiry of 90 days, therefore, the petitioner is entitled to be reinstated.

(4) It is the settled law that an employee has a right to be reinstated in service when charge sheet is not issued within 90 days, however, the legal requirement is of 'issuance' of charge sheet within 90 days and not 'service' of charge sheet on the delinquent within 90 days as provided under proviso to Rule 9(2)(a) of the M.P./C.G. Civil Services (Classification, Control and Appeal) Rules, 1966.

(5) Admittedly, the charge sheet – Annexure P/8 has been issued by the authorities on 24.12.2014, which is well within the period of 90 days from the date of issuance of suspension order.

(6) For the foregoing, the charge sheet having been issued within 90 days, there is no substance in the ground urged by the petitioner.

(7) Learned counsel for the petitioner would submit that the Departmental Enquiry is not proceeding satisfactorily and the petitioner is also not paid subsistence allowance.

(8) Payment of subsistence allowance to delinquent during the period of suspension is his right, therefore, if the petitioner moves an application for grant of subsistence allowance, the disciplinary authority shall consider and the decide the same in accordance with law.

(9) The writ petition is dismissed subject, however, to the above observations.

Sd/-

Judge

(Prashant Kumar Mishra)

Shyna