

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 5154 of 2012**

- Chitrabhan Singh Thakur S/o Late Bharat Singh Thakur, Aged About 62 years, R/o Village and Post Dharamjaigarh, Behrapara, Police Station Dharamjaigarh, District Raigarh C.G.

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh through The Secretary, Revenue Department DKS Bhawan Raipur C.G.
2. The Collector Jashpur, District Jashpur, Police Station Jashpur C.G.
3. The Joint Collector, Jashpur, District Jashpur, Police Station, Jashpur C.G.

**---- Respondents**

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| For Petitioner       | : Shri Dashrath Prajapati, Advocate |
| For Respondent/State | : Shri Bhaskar Payasi, P.L.         |

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**Hon'ble Shri Justice Prashant Kumar Mishra**

**Order On Board By**

**09/07/2015**

1. In this petition under Article 226 of the Constitution of India petitioner has prayed for quashment of the order dated 18/03/2011 (Annexure P/1) and the order dated 07/09/2012 (Annexure P/2) passed on completion of departmental enquiry whereby penalty of punishment of censure has been imposed on the petitioner together with denial of remaining salary of the suspension period and increment.

2. Shri Prajapati, learned counsel for the petitioner would draw attention of the Court to the State Government's circular dated 23/11/2010, particularly para 6 thereof wherein the State Government has directed that if any employee is proceeded departmentally for imposing major punishment but

ultimately a minor punishment is imposed against him, the suspension cannot be justified, therefore, in such cases the concerned employee should be treated to be in service for all purposes during the period of suspension and shall be entitled to the entire salary. Thus, Shri Prajapati, learned counsel would submit that in light of State Government circular the order passed by the Joint Collector, Jashpur on 07/09/2012 is contrary to law.

3. It appears while passing the order Annexure P/2 the Joint Collector, Jashpur has not considered the circular issued by the State Government on 23/11/2010, therefore, I deem it appropriate to dispose of the writ petition directing the petitioner to submit a representation before the Collector, Jashpur within a period of one month from today. In the said representation, petitioner may specifically raise a ground taking benefit of the State Government circular dated 23/11/2010. On submission of representation, the Collector Jashpur shall consider and decide the matter at the earliest, preferably within a period of three months from the date of submission of representation.

Sd/-

JUDGE

(Prashant Kumar Mishra)