

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2822 of 2016

1. Manoj Yadav S/o Late Banarsi Yadav, Aged About 45 Years Posted As Peon In The Office Municipal Corporation Raigarh, District Raigarh, Chhattisgarh.
2. Shekhar Modak S/o Late S. B. Modak, Aged About 47 Years Posted As Peon In The Office Municipal Corporation Raigarh, District Raigarh, Chhattisgarh.
3. Arvind Dwivedi S/o Shri Laxminarayan Dwivedi, Aged About 38 Years Posted As Peon In The Office Municipal Corporation Raigarh, District Raigarh, Chhattisgarh.
4. Dataram Yadav S/o Maleshar Yadav, Aged About 48 Years Posted As Peon In The Office Municipal Corporation Raigarh, District Raigarh, Chhattisgarh.
5. Narsingh Mali S/o Murlidhar Mali, Aged About 53 Years Posted As Peon In The Office Municipal Corporation Raigarh, District Raigarh, Chhattisgarh.
6. Anand Tiwari S/o Late Shyamkishore Tiwari, Aged About 49 Years Posted As Peon In The Office Municipal Corporation Raigarh, District Raigarh, Chhattisgarh.
7. Sudarshan Chouhan S/o Bedram Chauhan, Aged About 48 Years Posted As Peon In The Office Municipal Corporation Raigarh, District Raigarh, Chhattisgarh.
8. Ganga Yadav S/o Late Patiram Yadav, Aged About 49 Years Posted As Peon In The Office Municipal Corporation Raigarh, District Raigarh, Chhattisgarh.
9. Kishan Kumar Namdeo S/o Murlidhar Namdeo, Aged About 49 Years Posted As Peon In The Office Municipal Corporation Raigarh, District Raigarh, Chhattisgarh.
10. Arun Yadav S/o Vashistha Yadav, Aged About 53 Years Posted As Peon In The Office Municipal Corporation Raigarh, District Raigarh, Chhattisgarh.
11. Ramnarayan Tiwari S/o Keshav Prasad Tiwari, Aged About 53 Years Posted As Peon In The Office Municipal Corporation Raigarh, District Raigarh, Chhattisgarh.
12. Suresh Kumar Pandey S/o Lalji Pandey, Aged About 44 Years Posted As Peon In The Office Municipal Corporation Raigarh, District Raigarh, Chhattisgarh.
13. Dhaniram Viswas S/o Sudhir Viswas, Aged About 45 Years Posted As Peon In The Office Municipal Corporation Raigarh, District Raigarh, Chhattisgarh.
14. Suresh Kumar Yadav S/o Dauram Yadav, Aged About 53 Years Posted As Peon In The Office Municipal Corporation Raigarh, District Raigarh, Chhattisgarh.
15. Lakhpati Patel S/o Abhaycharan Patel, Aged About 52 Years Posted As Peon In The Office Municipal Corporation Raigarh, District Raigarh, Chhattisgarh.
16. Kaushal Prasad S/o Samaru Ram Sao, Aged About 39 Years Posted As Peon In The Office Municipal Corporation Raigarh, District Raigarh, Chhattisgarh.
17. Dharam Ratre S/o Sudharam Ratre, Aged About 47 Years Posted As Peon In The

Office Municipal Corporation Raigarh, District Raigarh, Chhattisgarh.

18. Tarkeshwar Rao S/o Shri V. Narayan Rao, Aged About 47 Years Posted As Peon In The Office Municipal Corporation Raigarh, District Raigarh, Chhattisgarh.

19. Sandeep Pandey, S/o Late Ramkumar Pandey, Aged About 50 Years Posted As Peon In The Office Municipal Corporation Raigarh, District Raigarh, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Principal Secretary Urban Affairs Department, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. Municipal Corporation Raigarh, Through Its Commissioner Raigarh, District Raigarh, Chhattisgarh.
3. The Commissioner, Municipal Corporation Raigarh, District Raigarh, Chhattisgarh.

---- Respondents

Shri Rakesh Pandey, counsel for the petitioner/s.
Shri Sangharsh Pandey, Dy.G.A. for the State.
Shri Pankaj Agrawal, counsel for the Corporation.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/08/2016

Heard.

1. Learned counsel for respondent No.2–Corporation upon instruction submits that the reason for temporary withholding of salary is because on certain complaints, preliminary enquiry is being held against the petitioners under the orders of the Collector, Raigarh. However, till date, no charge-sheet has been issued. Respondent No.2, at this stage, cannot definitely state as to what would be the outcome of the preliminary enquiry. However, respondent No.2 states that it is because of the direction of the Collector that for the time being, the matter is pending for enquiry with respondent No.2.

2. All said and done, no penalty has been imposed upon the petitioners by any authority. Only on the basis of certain preliminary enquiry, the salary cannot be withheld.

3. In view of the above, at this stage, the petition is disposed off with a direction that salary of the petitioners should be paid regularly. This order shall not come in the way of the respondents in taking decision as may be found necessary in the matter of any complaint.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Deepti