

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3300 of 2016

- Baldev Singh S/o Late Bhuvan Singh, Aged About 61 Years
Occupation Vehicle Drive, Tribal Department Durg, Civil & Revenue
District Durg Chhattisgarh R/o House No 41, Kelaadi, Durg, Tahsil
And District Durg Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Tribal Development
Department New Mantralaya, Mahanadi Bhawan Raipur, New
Raipur, District Raipur Chhattisgarh
2. The Collector, Durg, Tahsil & District Durg, Chhattisgarh
3. Assistant Commissioner, Tribal Department Durg, Tahsil And
District Durg Chhattisgarh
4. Chief Executive Officer, Janpad Panchayat Durg, Inquiry Officer
Tahsil And District Durg Chhattisgarh

---- Respondents

For Petitioner : Mr. Shivendra Bhardwaj, Advocate
For State : Mr. Gary Mukhopadhyay, Dy. GA on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

01/08/2016

Heard.

1. Challenge is to the impugned order dated 29.10.2015, by which,
while imposing penalty, though the period of suspension has been
directed to be counted for pension purposes, salary of that period
has been directed to be withheld with non-cumulative effect.
2. Learned counsel for the petitioner submits that the part of the
penalty order, by which all consequential / monetary benefits
payable to the petitioner upon revocation of suspension is denied,
is illegal. He submits that the enquiry was continued for three
years without any fault on the part of the petitioner. It is also
argued that the respondent-authority has imposed penalty

withholding one increment that too without cumulative effect, therefore, non-payment of salary is uncalled for.

3. The grievance of the petitioner is to be decided by the appellate authority. It is for the appellate authority to consider the challenge made to that part of the penalty imposed by which treatment has been given to period of suspension in a manner not acceptable to the petitioner.
4. Reserving liberty to challenge that part of the order impugned dated 29.10.2015, by which, the petitioner appears to be aggrieved, before the appellate authority, this petition is finally disposed.

Sd/-
(Manindra Mohan Shrivastava)
Judge