

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.911 of 2017

Hemshankar Deshlahra S/o. Late Shri D. Deshlahra, Aged About 54 Years R/o. M I G 2/229 A, Borsi Colony, Durg, District Durg (Chhattisgarh)

---- **Petitioner**

Versus

1. State of Chhattisgarh Through Secretary, Department Of Urban Administrative And Development, Mahanadi Bhawan, New Raipur, Police Station Rakhi, District Raipur (Chhattisgarh)
2. Director, Department Of Urban Administrative And Development, Indravati Bhawan, New Raipur, Police Station Rakhi, District Raipur (Chhattisgarh).

---- **Respondents**

For Petitioner
For respondent/State

Shri Anup Majumdar, Advocate.
Shri SP Kale, Deputy Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

22/02/2017

1. The present petition has been preferred assailing the order dated 15.12.2016 whereby the petitioner's representation against the order of suspension dated 28.09.2016 have been rejected. In addition, the order of suspension is also subjected to challenge.
2. Counsel for the petitioner submits that the petitioner has been placed under suspension with malafide intention. His act/behavior does not fall within the ambit of misconduct under the service rules. He further submits that the petitioner has also deprived of subsistence allowance as per rules applicable and for this reason the entire departmental action initiated against the petitioner and issuance of suspension order would stand vitiated. After the petitioner has been placed under suspension, the provident fund amount of the petitioner has also not

been updated by making regular deposit.

3. At this stage so far as relief No.1 i.e. challenge to the order of suspension is concerned, it is settled law that the writ court would not sit as an inquiry officer to decide the departmental enquiry or to reach to a conclusion whether charge which has been levelled against the petitioner for placing him under suspension is proper, legal and justified. This aspect of the matter has to be decided by the inquiry officer in the departmental enquiry which is pending against the petitioner and the inquiry is also in progress. Thus, the prayer for interference with the order of suspension stands rejected.
4. So far as release of subsistence allowance is concerned, it is ordered that the petitioner is entitled for grant of subsistence allowance under the rules and the respondent authorities cannot refuse the same. Further, grant of provident fund amount of the petitioner is concerned, the same has also to be acted upon strictly in accordance with rules applicable governing the service conditions of the petitioner.
5. Accordingly, so far as release of subsistence allowance as also in respect of grant of provident fund to the petitioner is concerned, let the petitioner make a detailed claim in this regard before the respondent No.2, who in turn, shall personally look into the matter and pass an appropriate order in this regard preferably within a period of 45 days from the date of submission of representation along with copy of this order.
6. With the aforesaid direction, the present petition stands disposed of.

Sd/-

(P. Sam Koshy)
Judge