

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2291 of 2017

- Parmanand Patel S/o. Late Shri Puran Ram Patel, Aged About 57 Years
Occupation Service, Posted As Assistant Internal Accountant And
Taxation Officer, Janpad Panchayat Dharamjaygarh, P. S.
Dharamjaygarh, Civil & Revenue Distt. Raigarh (Chhattisgarh)

---- Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary Panchayat And
Rural Development Department, Mantralaya, Mahanadi Bhawan,
Capital Complex, New Raipur, Dist. Raipur (Chhattisgarh)
2. Joint Director Panchayat, Directorate Chhattisgarh, Indirawati
Bhawan, Second Floor, New Raipur, Distt. Raipur (Chhattisgarh)
3. Collector, Raigarh, District Raigarh (Chhattisgarh).
4. Chief Executive Officer, District Panchayat, Raigarh, District Raigarh
(Chhattisgarh).
5. Chief Executive Officer, Janpad Panchayat, Dharamjaygarh, Distt.
Raigarh (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Sunil Sahu, Advocate
For Respondent /State	Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

17/5/2017

1. Learned counsel for the petitioner would submit that while the
petitioner was working as Assistant Internal Accountant and
Taxation Officer, Janpad Panchayat, Dhramjaygarh, District
Raigarh, a complaint was made against him regarding passing
of forged proposal of Gram Panchayat, Khamhar on 07.10.2008,
when he was posted as the Secretary of the said Gram
Panchayat and an FIR was also lodged against him. Since the

petitioner absconded after the incident, an order of suspension was issued against him on 05.09.2014. Thereafter, the departmental enquiry has been constituted but due to pendency of the criminal case neither the departmental enquiry is concluded nor the petitioner has been reinstated despite several representations. He would further submit that the petitioner is paid only 50% of salary as subsistence allowance though there are circulars issued by the State Government that after one year of the order of suspension, the competent authority is required to review the suspension order to assess the desirability of its continuance as also for payment of enhanced amount of subsistence allowance.

2. Considering the entire facts situation of the case, the writ petition is disposed of with direction that in the event, the petitioner prefers fresh representation before the competent authority within three weeks from today, the competent authority shall decide the representation, by a speaking order, on its own merits, at the earliest, preferably within a period of two months from the date of submission of representation.
3. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case. Sd/-

Judge
(Prashant Kumar Mishra)

