

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 1317 of 2017**

Prakash Uikey S/o M. R. Uikey, aged about 54 years, presently posted and working as Assistant Grade - II, Office of the Director, Directorate of Cultural & Archeology, R/o Sector 1, H- 126, Kashiram Nagar, Govt. Colony, Raipur (Chhattisgarh).

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Department of Cultural & Archeology, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh).
2. Director, Directorate of Cultural & Archeology, Indrawati Bhawan, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri Varunendra Mishra, Advocate
For Respondent/State	:	Shri S. P. Kale, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****17/03/2017**

The present petition has been filed seeking for a direction to the respondents for grant of full wages to the petitioner during the period of suspension i.e. from 19.11.2014 to 20.10.2016.

2. The petitioner was placed under suspension on account of his being involved in a criminal case which later on culminated in conviction. The judgment of conviction was put to appeal before the appellate Court where the parties to the dispute resolved their grievances amicably. By virtue of the compromise, the appeal was allowed, the judgment of conviction was set aside and the petitioner was acquitted. Subsequently, the order of suspension stood revoked and the petitioner is presently serving the respondents.

3. The grievance of the petitioner is that since the criminal case resulted in acquittal, he would be entitled the benefits of wages and the other benefits during the period of suspension.

4. Undisputedly, the petitioner was involved in a criminal case which later on culminated in conviction. Subsequently, he got an order of acquittal from the appellate Court. After the order of acquittal was passed, the order of suspension stood revoked. The respondent employee was bound while revoking the suspension order to pass an order as to how the suspension period has to be treated. However, there is no such order passed by the authority concerned or at least is not reflected from the revocation of suspension order dated 20.10.2016.

5. Be that as it may, this Court is not inclined to keep the petition pending any further and feels that ends of justice would meet if the petition is disposed of with a direction to the petitioner to make a fresh representation before the competent Authority for redressal of his grievances who in turn shall pass an appropriate order in this regard in accordance with the Chhattisgarh Fundamental Rules deciding as to how the period of suspension has to be treated. It is accordingly ordered. It is expected that the respondents shall take a decision at the earliest without unnecessary delay.

6. With the aforesaid observation, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE