

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1836 of 2018**

S. N. Pathak S/o Late Shri N S Pathak Aged About 59 Years R/o House No. 401, Usha Heights Shrikant Verma Marg, Police Station Tarbahar Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Department Of Panchayat And Rural Development Mahanadi Bhawan Mantralaya Naya Raipur Mandir Hasod, District Raipur Chhattisgarh.
2. Chhattisgarh Gramin Sadak Vikas Abhikaran, Through Its Chief Executive Officer Vikas Bhawan Civil Lines Raipur Chhattisgarh.
3. Chief Engineer, Rural Engineer Services, Vikas Bhawan Civil Lines Raipur Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Amrito Das, Advocate
For State	:	Mr. S. Pandey, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14/03/2018**

1. The limited grievance of the petitioner in the instant case is the portion of the impugned order (Annex. P/1) of giving it a retrospective effect. The petitioner vide Annexure P/1 dated 04.01.2018 has been placed under suspension w.e.f. 08.11.2017.
2. The contention of the petitioner is that the petitioner in the intervening period has discharged his normal duties and has also exercised all the powers, which are conferred upon him so far as the post that he was holding. Therefore the petitioner could not have been deemed to have been placed under suspension from a back date. The effect of the order of suspension could only have a prospective effect.

3. The grievance of the petitioner seems to be genuine as the provision of law does not provide for giving an order of suspension a retrospective effect, particularly when the employee/delinquent has discharged his duties under normal circumstances with the respondents.
4. Given the said facts and circumstances of the case, let the matter be placed before the respondent No.1 on a representation/appeal being preferred by the petitioner within a period of 10 days from today and the respondent No.1 shall consider the same within a further period of 30 days. The respondent No.1 shall also take into consideration the judgments of Calcutta and Bombay High Courts in the case of ***“V.M. Dorlikar v. Chief Executive Officer, Nagpur Corporation and Another”*** reported in ***AIR 1960 BOM 274***, ***“L.B. Shaikh v. State of Maharashtra & others”*** reported in ***(2000) 2 LLJ 484*** and ***“Nepal Chandra Guchait v. District Magistrate, Murshidabad and others”*** reported in ***AIR 1966 Cal 485***.
5. The petitioner shall also produce a photocopy of aforesaid judgments along with the representation for the consideration of the respondent No.1.
6. The writ petition with the aforesaid directions stands disposed off.
7. While passing a suitable order, the respondent No.1 shall also consider the consequential relief, which the petitioner would be entitled for.

Sd/-
(P. Sam Koshy)
Judge