

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 2836 of 2018**

M. M. Maulasariya S/o Shri Vishwanath Maulasariya, aged about 54 years, R/o C-206, Vallabh Nagar, near Ring Road, Raipur, District Raipur Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Department of Health and Family Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. Controller, Foods and Drugs Administration, 2nd Floor, Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Jitendra Pali, Advocate
For Respondent/State	:	Shri B. Gopa Kumar, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****05/04/2018**

The challenge in the present writ petition is to the order dated 16.03.2018 Annexure P-1 whereby the respondents have revoked the order of suspension of the petitioner and have simultaneously issued an order relieving the petitioner to join his service in the State of Madhya Pradesh by virtue of an order of allocation dated 19.08.2002.

2. The petitioner, by the present writ petition, is not challenging the relieving part of the order but intends to challenge the first part regarding the revocation of suspension order.
3. Counsel for the petitioner submits that the petitioner was initially placed under suspension on account of a criminal case initiated against the petitioner

under the provisions of Prevention of Corruption Act and ultimately the trial culminated in the acquittal of the petitioner vide judgment dated 22.04.2017. Subsequent to the petitioner having been acquitted by the trial Court, the respondents were duty bound to consider the case of the petitioner under the provisions of Rule 54-B of the Fundamental Rules and to pass a speaking order objectively deciding whether the petitioner would be entitled for any monetary benefit for the intervening period i.e. from the date of suspension till the date of revocation of suspension, in addition to the subsistence allowance that has been paid to him. Such consideration does not reflect to have been under taken by the authorities while passing Annexure P-1.

4. In the light of the same, this Court is inclined to dispose of the present writ petition with a direction to respondent no.2 to reconsider Annexure P-1 to the extent as to how the suspension period has to be treated and also to consider the case of the petitioner strictly in accordance with the provisions of Rule 54-B of the Fundamental Rules deciding his entitlement.

5. Another contention which the petitioner has raised is that the petitioner would also be entitled for proper fixation of pay while issuing last pay certificate of the petitioner along with his service book granting him the benefits of 7th Pay Commission as well. So far as grant of 7th Pay Commission is concerned, there is no dispute that the petitioner, in the given facts, would be entitled for all periodical revision of pay and other emoluments which the petitioner would have been entitled for, if he had not been placed under suspension. This part should also be taken note of by respondent no.2 while passing a fresh order pursuant to the disposal of the present writ petition.

6. The writ petition thus stands disposed of.

**Sd/-
(P. Sam Koshy)
JUDGE**