

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.5567 OF 2018**

1. Ramesh Kumar Ratre S/o S/o Shri Sahasram Ratre Aged About 47 Years Head Master Cum Hostel Warden, Govt. Sc Boys Hostel, Ramsagarpara, Bhatapara, District Balodabazar- Bhatapara, Chhattisgarh.

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Tribal Welfare, Mahanadi Bhawan New Raipur, Tahsil And District Raipur, Chhattisgarh.
2. Commissioner Department Of Tribal Welfare, Govt. Of Chhattisgarh, Indravati Bhavan, New Raipur, District Raipur, Chhattisgarh.
3. Assistant Commissioner Department Of Tribal Welfare Balodabazar, District Balodabazar- Bhatapara, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Anchal Kumar Matre, Advocate.
For Respondent-State	:	Shri Raj Kumar Gupta, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****28.08.2018**

1. Grievance of the Petitioner is that, though after placing the petitioner under suspension the same having been revoked, the authorities concerned have not taken any decision under FR-54B as to how the intervening period of suspension has to be treated.
2. The facts of the case is that, the petitioner was prosecuted for the offence punishable under the provisions of Prevention of Corruption Act and the said case ended up in the acquittal of the petitioner vide judgment dated 08.12.2017. The petitioner meanwhile was under suspension between 30.09.2011 to 27.09.2014 and for the period between 30.09.2011 to 30.09.2012 the petitioner was given only 50 percent of the salary as subsistence allowance and from 30.09.2012

till date he has been paid only 75 percent of the salary. According to the petitioner, though he has been reinstated in service on 27.09.2014 till date he is being paid 75 percent of salary which is per se illegal. He further submits that the petitioner has already made a representation in this regard, but no decision has been taken on the said representation.

3. So far as rule position is concerned, the relevant rule applicable in the present case is FR-54B which mandates the respondents to take a decision on the revocation of the suspension order to pass an order holding as to how the intervening period of suspension has to be treated. It would also be required for the authorities concerned to decide whether the petitioner would be entitled for the entire monetary benefits for the intervening period or not. However, in the instant case though after revocation the petitioner has been working with the respondents for almost four years, however till date without any reason he is still being paid 75 percent of the salary as has been alleged by the petitioner.
4. This fact needs reconsideration by the authorities and an appropriate order under FR-54B needs to be passed.
5. Given the aforesaid factual matrix of the case, this court is of the opinion that no fruitful purpose would be served in keeping this petition pending. Rather ends of justice would meet if the respondent No.2 take a decision in the case of the petitioner by passing an appropriate order under FR-54B and at the same time he would also issue necessary orders for releasing full salary payable to the

petitioner-(minus) whatever paid to him from the date of reinstatement till date.

6. In addition to the representation which the petitioner has made in the past, he is also directed to make a detailed representation specifically addressing the respondent No.2 within a period of 15 days from today. On such representation being made, a suitable decision be taken within an outer limit of 60 days thereafter.
7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy
Judge