

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 5686 OF 2018**

Nageshwar Prasad Kaushik S/o Lt. Shri Shyam Lal, Aged About 61 Years, Working On The Post Of Sub Inspector Krishi Upaj Mandi Samiti, Naila, Janjgir, Resident Of Naya Talab Para Station Road Ward No. 3 Naila, Janjgir, District Janjgir Champa, Chhattisgarh

---- Petitioner**Versus**

1. Chhattisgarh Rajya Krishi Vipanani Mandi Board Through Its Managing Director, Beej Bhawan G.E. Road Telibandha Raipur, District Raipur, Chhattisgarh
2. Upper Sanchalak, Chhattisgarh Rajya Krishi Vipanani Board Raipur District Raipur, Chhattisgarh
3. Joint Director, Chhattisgarh Rajya Krishi Vipanani Mandi Board Bilaspur, District Bilaspur Chhattisgarh

... Respondents

For Petitioner : Mr. V. K. Pandey, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****31/08/2018**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 08.05.2018 which deals with suspension period of the petitioner during 20.12.2001 to 05.07.2007.
2. Counsel for the petitioner submits that the authority concerned has not properly regularized these period of suspension in as much as the petitioner would be entitled for the entire monetary as well as consequential benefits which he would have otherwise got had he not been placed under suspension.

3. From the factual matrix as has been stated by the petitioner in the petition, undisputedly the petitioner was placed under suspension on 20.12.2001 and he remained under suspension till 05.07.2007. The suspension was on account of the petitioner being involved in a criminal case and he getting arrested. That pending the criminal case the petitioner's suspension was revoked and he was taken back in service and later on, the petitioner stood acquitted from the said criminal case vide judgment dated 29.11.2017.

4. Given the aforesaid facts, the only issue that required for the authority to pass was how that intervening period has to be treated. The petitioner admittedly has not performed his duty during the said period on account of his being placed under suspension because of pendency of a criminal case. The petitioner had been paid the entire subsistence allowance which he was otherwise entitled under the rules. The authority concerned has treated the said period as "no work no pay" except for the subsistence allowance that has been paid to the petitioner. That the authorities have further clarified that the said period would be treated as period spent on duty and would be counted for the purpose of treating it as qualifying service for pension and pensionary benefits.

5. Given the said facts, this Court does not find any illegality on the part of the respondent authorities in passing of the impugned order. It appears that the petitioner apprehends that he would not be given the annual increments for the period of suspension and he would also not be given the benefit of any revision of pay that has taken place during the intervening period. This court is of the opinion that the petitioner need not have any apprehension because once when the order of suspension has been revoked and the petitioner has been taken back in service and the

criminal case also has resulted in acquittal, the petitioner would for all practical purposes have to be treated as to be in service for the intervening period also. The petitioner cannot be denied of the annual increments as well as any revision of pay that has occurred in between. On course, the petitioner would be entitled for only the notional benefits of the same till the date he has actually been reinstated in service which in other words means that he would not be entitled for any monetary benefit during the period of suspension but thereafter he would be entitled for all regular monetary benefits as if he was in service without any order of suspension being in operation.

6. With the aforesaid clarification, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge