

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) No. 5751 of 2018**

Maniram Baiga S/o Shri Panchram Baiga, Aged About 53 Years,
Presently Posted As Patwari Khairagarh, R/o Narghoda, Tahsil
Masturi, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. The Collector Rajnandgaon, Collectorate District Rajnandgaon, Chhattisgarh
3. Sub Divisional (Revenue) Khairagarh, District Rajnandgaon, Chhattisgarh
4. Joint Director, Treasury & Pension Fixation, Rajnandgaon, District Rajnandgaon, Chhattisgarh

... Respondents

For Petitioner	:	Mr. Amrito Das, Advocate.
For Respondents	:	Mr. R. K. Gupta, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/09/2018**

1. Facts of the case in brief are that doubting the caste of the petitioner he was subjected to disciplinary proceeding and was placed under suspension on 09.01.2001. The charge sheet was issued on 01.02.2001. The petitioner challenged the charged sheet before the State Administrative Tribunal in O.A. No.120/2001 where there was an interim order against the respondents ensuring not to pass a termination order against the petitioner. The matter thereafter stood transferred to the High

Court registered as WPS No. 3560/2005 and the High Court finally allowed the writ petition on 10.01.2014 holding that the Collector, Bilaspur did not have any authority to enquire into the caste status of the petitioner and the matter stood referred to the High Power Caste Scrutiny Committee. The Committee finally passed an order dated 03.05.2016 holding that the petitioner did not belong to Scheduled Tribe category. The said finding of the High Power Caste Scrutiny Committee is under challenge before this Court in WPS No. 2819/2016 where there is an interim order passed by the High Court protecting the interest of the petitioner. Meanwhile, on an application being made, the respondents have revoked the order of suspension and reinstated the petitioner on the post of Patwari. Though the petitioner has been reinstated in service as a Patwari, the respondents have not been paying him the current wages paid to a Patwari.

2. According to the counsel for the petitioner, the petitioner has been paid salary of Rs.24,729/- whereas present salary of a Patwari is Rs.51,864. He submits that once when there is an order of revocation of suspension and the petitioner is discharging his duties, the petitioner is entitled for the current pay scale treating the intervening period as spent on duty, including all increments that the petitioner would have got had he not been placed under suspension. He further submits that the petitioner has already made a representation Annexure P-9 to the higher authorities in the Department which is yet not decided.

3. Given the fact, the present writ petition is disposed of with a direction to the authorities to ensure that the petitioner is paid the current wage that he would have otherwise got, had he not been placed under suspension. The intervening period shall be decided subject to the outcome of WPS No. 2819/2016 where the order of the High Power Caste Scrutiny

Committee is under challenge. Let this exercise be concluded within a period of 90 days from the date of receipt of certified copy of this order.

Sd/-
(P. Sam Koshy)
Judge

Bhola