

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 6093 of 2018**

Bhupendra Singh S/o Shri Bhisham Singh, Aged About 31 Years,
Assistant Teacher (Panchayat), Govt. Primary School, Sonpuri,
Block- Nawagarh, District- Bemetara, Civil And Revenue, District-
Bemetara, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- Secretary, Panchayat And Rural Development Department, Mahanadi Bhavan, New Raipur, Chhattisgarh
2. Director Panchayat And Social Welfare Department, Indrawati Bhavan, New Raipur, Chhattisgarh
3. The Collector, Bemetara, District- Bemtara, Chhattisgarh
4. Chief Executive Officer, Janpad Panchayat, Nawagarh, District- Bemetara, Chhattisgarh
5. Block Education Officer, Block- Nawagarh, District- Bemetara, Chhattisgarh

---- Respondents

For Petitioner	:	Shri M. K. Sinha, Advocate
For Respondent/State	:	Shri D. Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****17/09/2018**

The prayer made by the petitioner through the present writ petition is for a direction to the respondents to pass a suitable order for grant of monetary benefits which the petitioner would be entitled during the period of suspension, apart from the subsistence allowance, if any paid to the petitioner.

2. The facts of the case are that on account of the petitioner getting involved in a criminal case for the offence punishable under Section 302/149 of IPC his service was placed under suspension on 13.12.2013. After sometime, the suspension order stood revoked vide order dated 19.10.2015 and since then the petitioner he has been working continuously.

3. The revocation of suspension was on account of the petitioner's being acquitted from the criminal case vide judgment dated 14.07.2015 passed by the Additional Sessions Judge, Mungeli in Sessions Case No.39/2013.

4. Counsel for the petitioner submits that though the petitioner was placed under suspension on 13.12.2013, till date no charge sheet has been issued neither is the enquiry contemplated against him. Therefore, the respondents are duty bound to take a decision in accordance with the provisions of Fundamental Rule 54B.

5. Given the aforesaid factual matrix and which has not been disputed by the counsel for the State on going through the contents of the writ petition, this Court is of the opinion that ends of justice would be served if a direction is given to the respondent no.2 to take a decision as to how the suspension period has to be treated. Let the respondent no.2 take a decision in accordance with the provisions under Fundamental Rule 54B within a period of 60 days from the date of receipt of certified copy of this order.

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

Sd/-
(P. Sam Koshy)
Judge