

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6903 OF 2018**

Subhash Chandra Verma S/o Late Shri Bhoopsingh Varma, Aged About 62 Years (Aadhar No. 205816648737) R/o B-128, L.I.G. Colony, Ravishankar Shukla Nagar, Indore (Madhya Pradesh) 452011.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through Its Secretary (Industries, Department Of Industries, Govt. Of Chhattisgarh, Mahanadi Bhawan, Capital Complex, Mantralaya, New Raipur Chhattisgarh. 492001.
2. Chhattisgarh State Industrial Development Corporation, Through Its Managing Director, Udhyog Bhavan, Ring Road No. 01, Telibandha, Raipur Chhattisgarh 492006.
3. The Chairman, Chhattisgarh State Industrial Development Corporation, Udhyog Bhavan, Ring Road No. 01, Telibandha, Raipur Chhattisgarh. 492006.

... Respondent(s)

For Petitioner	:	Shri Vinod Deshmukh, Advocate.
For Respondent-State	:	Shri SP Kale, Dy. Advocate General.
For Respondents 2&3	:	Shri Kashif Shakeel, Advocate, on advance copy.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22.10.2018

1. The grievance of the petitioner in the present petition is non granting of subsistence allowance for the period of suspension between January, 2011 to January, 2018.
2. Perusal of record would show that the petitioner on account of being inflicted in a criminal case under the provisions of the Prevention of Corruption Act as also under Section 420 of the IPC was placed under suspension in the year, 2011 and finally he stood convicted in criminal case vide judgment dated 30.12.2010. The petitioner's services was ultimately dismissed vide order dated 09.01.2018.
3. Given the aforesaid factual matrix of the case, since the petitioner did not claim for subsistence allowance while he was placed under suspension and in between before the order of dismissal from service had been

passed and indisputably the judgment of conviction is under challenge in Criminal Appeal No.104 of 2011, this court is of the opinion that rightly or wrongly there is judgment of conviction is still in operation against the petitioner. According to the petitioner he had been paid the subsistence allowance till the judgment in the criminal case was passed. Whether the petitioner now would be entitled for the subsistence allowance or not, is a matter which could be decided only after the decision in the criminal case which the petitioner has filed against his conviction.

4. Accordingly, the present petition stands disposed of reserving the right of the petitioner for claiming subsistence allowance for the period from January, 2011 till the date of dismissal after the final outcome in the criminal appeal preferred against the judgment of conviction.
5. So far as other statutory dues are concerned, liberty is reserved for approaching the appropriate competent authority under the Act for claiming the same.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy
Judge