

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 1303 of 2019

Amar Singh Thakur S/o Late Shri Shukhlal Singh Thakur, Aged About 59 Years, Posted As Senior Assistant At Food Storage Centre, Pakhanjur, District- Kanker Chhattisgarh, R/o Beside Santoshi Jewelers, Santoshi Nagar, Raipur, District Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Mantralaya Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. Managing Director, Chhattisgarh State Marketing Federation-880, Civil Lines, Head Office, Raipur, District Raipur, Chhattisgarh
3. Secretary, Chhattisgarh State Marketing Federation- 880, Civil Lines, Head Office, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. V. R. Tiwari, Advocate
For State	:	Mr. Rahu, Mishra, Dy. Govt. Advocate
For Respondents 2 & 3	:	Mr. Harshwardhan Parganiha on behalf of Shri S. C. Verma, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/03/2019

1. The challenge in the present writ petition is to the order Annexure P-1 dated 22.12.2018 whereby the representation which the petitioner had made, has been decided against the petitioner.
2. The dispute in the present case is that the petitioner was placed under suspension on account of his being involved in a criminal case on 07.05.1990. The order of suspension was subsequently revoked vide

order dated 28.02.2005 and since then the petitioner is working with the respondents. The petitioner, during the intervening period, was not given any salary and benefits for which the petitioner had filed a writ petition i.e. WPS No. 7782/2018 which got disposed of on 28.11.2018 directing the respondent authorities to decide as to what benefit the petitioner would be entitled for during the period of suspension. Now the impugned order Annexure P-1 dated 22.12.2018 has been passed wherein it has been held that since the petitioner was involved in a criminal case and he was there as a main accused for his own personal acts, the Department would not come up for indemnifying the intervening period during which he was being prosecuted in the criminal case.

3. Contention of the counsel for the petitioner, at this juncture, is that though the petitioner may not be entitled for the actual monetary benefits during the intervening period but for all practical purposes, that intervening period of suspension has to be treated as the period spent on duty and the petitioner should be granted notional fixation so far as the benefits that he would have received had he not got implicated in a criminal case in which he ultimately stands acquitted.
4. This aspect perhaps has not been considered by the authorities concerned. It appears that they have primarily decided the case only in the light of the judgment of the Supreme Court that the petitioner is not entitled for any monetary benefits. So far as the notional fixation is concerned, that part is silent.
5. Given the said fact, let respondents 2 & 3 reconsider the case of the petitioner so far as granting of notional benefits to the petitioner for the

intervening period is concerned and an appropriate order be passed within a period of 90 days from the date of receipt of copy of this order.

6. The writ petition accordingly stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**

Khatai