

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1522 of 2019

Khurshid Khan S/o Shri S.M. Khan, Aged About 58 Years, R/o In Front Of Ashoka Park, Chitrakot Road, Dharampura-I, Jagdalpur, District Jagdalpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Finance, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. Director, Accounts, Audit And Pension, Indrawati Bhawan, Block-I, First Floor, Atal Nagar, Raipur Chhattisgarh

---Respondents

For Petitioner	:	Mr. Sunil Otwani, Advocate
For State	:	Ms. Astha Shukla, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/03/2019

1. The two grievances which the petitioner in the present writ petition has raised are that; (i) The petitioner was placed under suspension on 26.07.2017 and till date the respondents have not initiated any disciplinary proceeding against the petitioner only on the ground that the petitioner is being prosecuted for the offence punishable under the provisions of the Prevention of Corruption Act. (ii) As per rule, on completion of 6 months period of suspension, the petitioner is entitled for enhanced subsistence allowance for which the petitioner has made a representation which till date has not been considered.
2. Counsel for the petitioner submits that the respondent authorities should have taken a decision whether there is any further requirement of

keeping the petitioner under suspension though about one year and 9 months have passed from the initial date of suspension. According to the petitioner, the respondents are supposed to take a decision keeping in view the judgment of the Supreme Court in the case of “***Ajay Kumar Choudhary v. Union of India through its Secretary and another***” (2015) 7 SCC 291.

3. Perusal of the record would show that so far as the first relief is concerned, there does not seem to be a proper representation in this regard made by the petitioner to the authorities. However, the representation for enhanced subsistence allowance is still pending consideration.
4. Reserving the right of the petitioner to move a fresh representation ventilating his grievances, the writ petition stands disposed of. On such representation being made by the petitioner within a period of 15 days from the date of receipt of copy of this order, the respondent authorities are expected to take a decision within a further outer limit of 3 months thereafter. The respondents are expected to decide both the claims made by the petitioner.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge