

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WP(S) No. 2430 of 2019**

1. Reenu Yadav D/o R.P. Yadav Aged About 26 Years Posted As Staff Nurse, R/o Chandani Chowk, Maharani Ward, Jagdalpur, District- Bastar, Chhattisgarh
2. Hemlata Kashyap D/o Late Devinarayan Kashyap Aged About 28 Years Posted As Staff Nurse, R/o Dharampura, LIG-97, Housing Board Colony, Jagdalpur, District- Bastar, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh
2. The Director Directorate Of Health And Family Welfare, Mahanadi Bhawan, New Raipur, Chhattisgarh
3. The Joint Director-Cum-Superintendent Late Shri Baliram Kashyap Medical College, Maharani Hospital, Jagdalpur, District- Bastar, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Vikas A. Shrivastava, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/04/2019**

1. The present writ petition has been filed seeking relief for release of unpaid salary to the petitioner during suspension and for grant of annual increment for the said period.

2. Perusal of the record would show that the petitioner at the first instance was placed under suspension vide Order dated 31.03.2016. Thereafter, the petitioner was continued under suspension for quite some time when he filed WP (S) No. 594 of 2018 seeking for a direction to consider the case of the petitioner for revocation of suspension in the light of the judgment of Supreme Court in the case of **Ajay Kumar Choudhary Vs. Union of India through its Secretary and Another (2015) 7 SCC 291**. The High Court vide Order dated 16.01.2018 disposed of writ petition directing the respondents to pass appropriate order in the light of the judgment *Ajay Kumar Choudhary (supra)*. Pursuant to Order on 16.01.2018, the respondents have passed Order on 28.02.2018 revoking suspension order and taking the petitioner back in service. Now, petitioner has filed writ petition seeking for difference of salary and the annual increment for the suspension period.
3. The Deputy A.G. appearing for the respondent makes a statement since departmental enquiry initiated against the petitioner is still pending, the relief sought by the petitioner can be considered and decided only on the culmination of the departmental enquiry and it cannot be decided at this juncture when the petitioner is facing departmental enquiry.
4. Given the submission made by the State counsel, this Court is of the opinion that no indulgence can be made by this Court for the relief sought in the present writ petition at this juncture pending the departmental enquiry. As has been submitted by the State counsel, let appropriate decision be taken by the respondents in respect of

claim made by him immediately on the completion of the departmental enquiry. Considering the fact, petitioner was subjected to departmental enquiry in the year 2016 and about three years have already lapsed, it is expected that the State Government would make all endeavours in ensuring that the departmental enquiry is proceeded and concluded at the earliest.

5. Writ petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Rahul