

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2777 of 2019**

Balmukund Yadav S/o Shri Jagdish Yadav Aged About 58 Years
Occupation-Service, Working As Head Master, Government Primary
School Padoli, Range-North Dwharpur, Ambikapur, Distict- Surguja, R/o
Village- Dumki, Tahsil- Lundra, Thana- Dwharpur, District- Surguja,
Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
3. District Education Officer Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Vinay Pandey, Advocate.
For State	:	Mr. Ishan Verma, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11/04/2019**

1. The limited grievance which the petitioner has raised in the present writ petition is that the petitioner is deprived of his subsistence allowance for the period he was placed under suspension by the department that is between 11/06/2015 to 26/09/2017.
2. The facts of the case is that the petitioner was placed under suspension vide order dated 11/06/2015 on account of the petitioner being involved in some criminal case. The said order of suspension finally stood revoked on 26/09/2017.

3. The contention of the petitioner is that all along the period of suspension the petitioner has not been paid subsistence allowance which otherwise the petitioner is entitled for.
4. Respondent No. 3 vide Annexure (P-1) while revoking the suspension order has held that so far as the issue of subsistence allowance is concerned, the same would be decided after the outcome of the criminal case.
5. The issue so far as grant of subsistence allowance is concerned, the law is well settled, that when an employee is placed under suspension, the employee is entitled for the grant of subsistence allowance. Non granting of the subsistence allowance would amount to denial of the basic principles of natural justice and also would amount to depriving the petitioner of his fundamental rights to survive in a decent manner particularly when he has been placed under suspension. In the instant case, there is no departmental enquiry initiated against him. He has been placed under suspension only for getting involved in a criminal case. Fundamental rules 53 (1) clearly stipulates that a Government Servant who has been placed under suspension would be entitled for the subsistence allowance as long as he is placed under suspension.
6. This Court is of the view that there does not seem to be any reason why the petitioner should not have been granted subsistence allowance for the period he was placed under suspension.
7. So far as the dues i.e. other than the subsistence allowance is concerned, one can understand the decision of the District Education Officer for settling the same after the outcome of the criminal case but so far as the subsistence allowance which is paid for the

employee to subsist during the period of suspension that under no circumstances can be denied to the petitioner.

8. Accordingly, the present writ petition disposed off with a direction to the respondent No. 3 to take all necessary steps required to ensure that the petitioner is paid his subsistence allowance for the period he was placed under suspension. However, it is made clear that so far as all other dues other than the subsistence allowance is concerned, the order passed by the District Education Officer would remain intact.
9. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Rohit