

**HIGH COURT OF CHHATTISGARH, BILASPUR****WRIT PETITION (S) NO.3144 OF 2019**

Ku. Biskunwar Meravi D/o Late Fool Singh Meravi Aged About 41 Years Presently Posted On The Post Of Assistant Hostel Superintendent Eklavaya Vidhyalay Taregaon, Jangal R/o Village-Roll, Tahsil- Kawardha, District- Kabirdham, Chhattisgarh.

...**Petitioner(s)**

**Versus**

1. State of Chhattisgarh Through- Secretary, Department of Schedule Tribe and Scheduled Caste Development New Mantralaya, P.S.- Mandir Hasaud, Naya Raipur, District- Raipur, Chhattisgarh.
2. The Commissioner, Scheduled Tribe and Scheduled Caste Development Raipur, Chhattisgarh.
3. The Collector, Kawardha, District- Kabirdham, Chhattisgarh.
4. The Assistant Commissioner, Office of Scheduled Tribe and Scheduled Caste Development Kawardha, District- Kabirdham (CG).

... **Respondent(s)**

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| For Petitioner       | : | Shri Ajit Singh, Advocate.       |
| For Respondent-State | : | Shri Arvind Dubey, Panel Lawyer. |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**30.04.2019**

1. Challenge in this petition is the order dated 06.06.2018 whereby the respondents have issued an order of minor punishment of censure against the petitioner. At the same time, the suspension order of petitioner have been revoked granting joining to the petitioner.
2. Both these part is not under challenge in the present writ petition. What is under challenge in this petition is the subsequent part of the order dated 06.06.2018 whereby the respondents have passed an order that for the intervening period the petitioner shall not be entitled for anything else other than the subsistence allowance that the petitioner has received and that the intervening period of suspension shall be treated as period spent on duty for all other purposes.

3. According to the petitioner, the departmental enquiry got delayed on account of the fault on the part of the respondents and therefore, the petitioner should not be put to suffer for the same and the petitioner be granted the benefit of difference of wages for the intervening period with monetary benefits.
4. The petitioner further submits that though the petitioner has been substantively discharging the duties of a Hostel Superintendent from the date of appointment till now, but now she has been posted against teaching job which again is not proper, legal and justified and the same should be interfered with.
5. Having heard the counsel on either side and on perusal of records, what is undisputed is that the petitioner while working as Hostel Superintendent was placed under suspension vide order dated 06.10.2015. Departmental enquiry was initiated against the petitioner and it finally got concluded with an order of punishment dated 06.06.2018 whereby the respondents have issued an order of minor punishment of censure against the petitioner. What cannot be lost sight of is the fact that the order of punishment is not questioned by the petitioner.
6. Given the said facts, what is established is that, the petitioner stands punished in the disciplinary proceedings that was initiated against her and during the period of the enquiry, the services of the petitioner was placed under suspension. Now, that the departmental enquiry has got concluded and she has been punished for the same and which has not been questioned by the petitioner any further. The period of suspension shall therefore be treated as a period

spent under suspension and the petitioner would be entitled only for the subsistence allowance for the said intervening period.

7. For the foregoing reasons, this court is of the opinion that no strong case is made out by the petitioner for interfering with the impugned order dated 06.06.2018.
8. Needless to mention that so far as other benefits which the petitioner would have got on her revocation and which has been denied to her other than the difference of wage and allowances during the suspension period, the petitioner would be entitled for approaching the authorities by making a suitable representation in this regard and the authorities concerned would take a decision on the said representation at the earliest.
9. Accordingly, the writ petition stands disposed of.

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