

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3080 of 2019**

Ashok Kumar Tripathi S/o Shri Vinod Bihari Tripathi Aged About 62 Years
R/o Ward No. 14, Nagar Palika, Saraipali, District Mahasamund
Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development, Department Mantralaya, Mahanadi Bhawan, Capital Complex, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Commissioner Joint Director Panchayat Directorate, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Chief Executive Officer Janpad Panchayat, Saraipali, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Soumitra Kesharwani, on behalf of Mr. Awadh Tripathi, Advocates
For State	:	Mr. P. Acharya, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****26/04/2019**

1. The dispute in the present writ petition is limited to the extent of difference of salary the petitioner would be entitled for the period between 27/04/2017 to 22/11/2017 during which period he was placed under suspension.
2. Facts of the case is that the petitioner was working with the respondents as a Assistant Internal Taxation Officer under respondent No. 3 Janpad Panchayat, Saraipali, district Mahasamund. The petitioner was placed under suspension vide order dated

27/04/2017 and the said order was revoked vide order dated 22/11/2017 and the petitioner was taken back in service and subsequently the petitioner stood retired on 31/01/2018/ According to the petitioner while revoking the order of suspension on 22/11/2017 the department had made an order so far as the entitlement of the petitioner during the suspension period is concerned, that the same would be decided by a separate order but no such separate order has till date been passed. That the petitioner also has not been granted balance of wages and other benefits during the period of suspension.

3. According to the petitioner though the order of suspension was issued on 27/04/2017 and the same was revoked on 22/11/2017 but neither during the period of suspension and nor thereafter till the petitioner has retired or even thereafter till now the petitioner has been subjected to any departmental enquiry, even charge-sheet was not issued to the petitioner. Therefore, according to the petitioner he would be entitled for the entire balance of wages and allowances which he is otherwise entitled for, that he would have got had he not been placed under suspension.
4. Given the aforesaid undisputed facts as it reveals from the pleadings of the writ petition this Court is of the opinion that no fruitful purpose would be served in keeping the writ petition pending rather ends of justice would meet if the writ petition stands disposed off with a direction to the respondent No. 2 & 3 to take a decision on the entitlement of the petitioner during the period of suspension particularly taking into note the fact that the petitioner has not been subjected to departmental enquiry, the order of suspension also was

subsequently revoked and there was also an order that a separate order will be passed determining the entitlement of the petitioner during the period of suspension.

5. Let a decision be taken by the respondent No. 2 & 3 within a period of four months from the date of receipt of copy of this order. It shall be the duty of the petitioner to apprise the respondent No. 2 & 3 so far as the order passed by this Court is concerned.
6. Accordingly the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Rohit