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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4325 of 2019

Dr. R.S. Senger S/o Shri M.R.S. Senger Aged About 58 Years Working On The Post Of Post Graduate Medical Officer (PGMO) At District- Hospital Baikunthpur, District- Koriya, Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Health Services Department, Ministry At Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh.
2. Director Health Services 3rd Floor, Indrawati Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh.
3. Chief Medical Health Officer Baikunthpur, District- Koriya, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Jai Prakash Shukla, Advocate.
For Respondent-State	:	Ms. Sunita Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

19.06.2019.

1. The claim of the petitioner in this petition is for a direction to the respondents for grant of salary and other benefits after adjusting subsistence allowance that was paid to him during the period he was placed under suspension.

2. Perusal of records would show that the petitioner was placed under suspension on 18.08.1994. The suspension order was revoked on 17.04.2007. The present writ petition has been filed after more than 12 years from the date of revocation of the suspension. Thus, the writ petition firstly suffers from delay and laches. 12 years is a pretty long time for raising a claim against the employer. Moreover, this court does not find any merits on the claim of the petitioner for the reason that the petitioner was placed under suspension on account

of his being involved in criminal case where the petitioner was prosecuted for the offence punishable under Sections 420, 467, 468, 409 and 120-B IPC, Section 7 of the Prevention of Corruption Act and Sections 3A, 3B and 4 of MP Affiliated Examination Act.

3. The fact that he was facing criminal trial is sufficient enough for placing him under suspension and immediately after conclusion of trial the petitioner has been taken back in service. Thus, it cannot be said that the petitioner was placed under suspension without any reason or the action of the respondents was in any manner malafide or arbitrary. During the period of criminal trial the petitioner has been paid subsistence allowance which is not in dispute.

4. In view of the same, the petitioner would not be entitled for any benefits other than the subsistence allowance that he has received during the period of suspension. However, the said suspension period for all practical purposes would be treated as period spent on duty for the purpose of pension and pensionary benefits.

5. The Writ Petition accordingly fails and is dismissed.

Sd/-
(P. Sam Koshy)
Judge

inder