

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4897 of 2019

Anita Agrawal W/o Prahlad Kumar Agrawal Aged About 52 Years Presently Posted as District Programme Officer, Women and Child Development, Raigarh, Chhattisgarh, (Now Suspended), R/o Near Rani Sati Mandir, Shanti Nagar, Ameri Chowk Bilaspur, District- Bilaspur, Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Women And Child Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh.
2. Under Secretary State Of Chhattisgarh, Women and Child Development Department, Mantralaya Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh.
3. Commissioner Women and Child Development Department, Indrawati Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh.
4. Collector Korba, District- Korba, Chhattisgarh.
5. District Programme Officer Women and Child Development Department, Korba, District- Korba, Chhattisgarh.

---Respondents

For Petitioner	:	Smt. Hameeda Siddique and Shri Sumit Singh Rathore, Advocates.
For State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04.07.2019

1. The relief sought for by the petitioner in the present writ petition is for a direction to the respondents to consider her claim for enhancing subsistence allowance from what she has been presently receiving.
2. According to the petitioner, she has been placed under suspension on 29.05.2017 and it is by now more than two years that she is under suspension. The contention of the petitioner is that the departmental enquiry also initiated by the authorities have not progressed substantially and that the entire departmental enquiry initiated is getting prolonged for the reason on the part of the officials in the department. The petitioner is not directly attributable for the delay in the conclusion of the departmental enquiry.

3. The petitioner further submits that the petitioner would be entitled for the enhanced rate of subsistence allowance in view of FR-53(1)(ii)(a)(i). According to the petitioner, she would now be entitled for 75 percent of the wages as subsistence allowance as per the aforesaid rule provision, but till date she has not been considered for the same. The petitioner has also made representation in this regard to the respondent No.1 vide Annexure P/4, dated 27.02.2018.
4. Given the aforesaid facts and circumstances of the case, this court is of the opinion that no fruitful purpose would be served in keeping this petition pending, rather ends of justice would meet if the writ petition stands disposed of with a direction to the respondent No.1 to decide the claim of the petitioner so far as her claim for enhancement of wages from 50 percent to 75 percent in terms of FR-53 quoted hereinabove.
5. It is expected that the respondent No.1 shall take a decision at the earliest preferably within a period of 60 days from the date of receipt of copy of this order.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder