

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5206 of 2019

Puneet Ram Sirmour S/o Late Shri Ram Dayal Sirmour Aged About 52 Years Post Sub Engineer TDPP, Water Resource Division, Bastar Jagdalpur, District Jagdalpur Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Water Resource Department, Mahanadi Bhawan, New Mantralaya, Atal Nagar District New Raipur Chhattisgarh. 492002.
2. The Engineer in Chief, Mahanadi Project, Water Resource Department, Civil Lines, Raipur Chhattisgarh.
3. Executive Engineer TDPP, Water Resource Division, Bastar Jagdalpur, District Jagdalpur Chhattisgarh.

---Respondents

For Petitioner	:	Shri Tanmay Thomas, Advocate.
For State	:	Shri P. Acharya, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/07/2019

1. The relief sought for by the petitioner through the present writ petition is for an appropriate direction to the respondents to grant subsistence allowance to the petitioner from 24.07.2018 onwards.
2. The facts of the case is that, the petitioner on an earlier occasion was placed under suspension vide order dated 05.07.2014 on account of his being arrested and having undergone custody for about more than 48 hours under the provisions of Section 9(2)A of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966. Subsequently, the suspension has been revoked and the petitioner immediately joined services on 21.01.2017. However, the petitioner who was prosecuted for the offence under the provisions of Prevention of Corruption Act was convicted vide judgment dated 24.07.2018 passed by the Special Judge (Prevention of Corruption Act), South Bastar Dantewada. Pursuant to the petitioner getting convicted he was again taken back in custody and he

ultimately got bail on 24.09.2018, however, thereafter the petitioner has not been granted joining by the department.

3. It has been stated by the petitioner that there is no order of suspension thereafter by the department, nor is there any order of termination/dismissal from service passed by the respondents and therefore treating the petitioner to be under suspension, the respondents are duty bound to release subsistence allowance to the petitioner.
4. Given the aforesaid limited grievance that the petitioner has raised, this court is of the opinion that ends of justice would meet if the writ petition is disposed of with a direction to the respondents No.1&2 to take an appropriate decision in respect of the claim of the petitioner for subsistence allowance.
5. It is made clear that this court has not expressed any opinion so far as claim of the petitioner is concerned. The respondents are expected to take a decision purely in accordance with rules and regulations governing the service conditions of the petitioner and also in respect of the claim for subsistence allowance as prayed for by the petitioner. Let this exercise be completed 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