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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5776 of 2019

Rajendra Kumar Gilhare S/o Lakhan Lal Gilhare Aged About 52 Years Working As Assistant Grade - I I I At Office Of The District Mining Officer, R/o Near Small Railway Crossing Purena, Police Station Telibandha, Civil And Revenue District Raipur Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Though The Secretary, Department Of Mining Resources, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
2. The Director, Geology And Mining, Chhattisgarh, Block Iv, 2nd Floor, Indrawati Bhawan, Atal Nagar District Raipur Chhattisgarh.
3. The Collector (Mining Branch) Raipur District Raipur Chhattisgarh.

---Respondents

For Petitioner	:	Shri B.M. Roy, Advocate.
For State	:	Shri Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06.08.2019

1. The limited relief sought for by the petitioner in the present petition is for an appropriate direction to the respondents for releasing of the subsistence allowance.
2. The contention of the petitioner is that, he was placed under suspension vide order dated 27.11.2018, but till date he has not been paid any subsistence allowance and the petitioner is facing great difficulty to sustain himself and his dependants.
3. Given the limited grievance that the petitioner has, this court is of the opinion that granting of subsistence allowance is a matter of right which the petitioner is not being paid on his placed under suspension. There is no reason why subsistence allowance should not be released to the petitioner.
4. The writ petition is therefore allowed. The respondent No.2 is directed to ensure that subsistence allowance which the petitioner is entitled for under

the rules is released including subsistence allowance from the date he has been placed under suspension. Let this exercise be concluded within an outer limit of two months from the date of receipt of copy of this order.

5. It shall be the responsibility of the petitioner to apprise the respondent No.2 so far as order passed by this court is concerned.
6. Accordingly, the writ petition stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder