

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6194 OF 2019**

Bhagwati Bai Yadav Wd/o Late Chhahuwa Ram Yadav Aged About 61 Years R/o Colony, Raigarh Road Dharamjaigarh, District Raigarh, Chhattisgarh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Agriculture, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. Director (Agriculture) Directorate Raipur, District Raipur, Chhattisgarh.
3. Joint Director (Agriculture) Bilaspur, District Bilaspur, Chhattisgarh.
4. Deputy Director (Agriculture) Raigarh, District Raigarh, Chhattisgarh.
5. Sub Divisional Officer (Agriculture) Dharamjaigarh, District Raigarh, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Govind Dewangan, Advocate.
For Respondent-State	:	Shri Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19.08.2019

1. The relief sought for by the petitioner in this petition is for an appropriate direction to the respondents to treat the period of suspension of the deceased employee between 04.03.2010 to 29.07.2013 as continues in service.
2. The facts of the case is that, the Husband of the petitioner late Chhahuwa Ram Yadav was working as Assistant Grade-III under the office of respondent No.5. On account of allegation of financial irregularities, the deceased employee was placed under suspension on 04.03.2010 contemplating departmental proceedings. Criminal case was also lodged against him which too was pending consideration before the competent criminal court. Pending the criminal case before the criminal court without there being any conclusion in the disciplinary proceedings initiated against the suspended employee, he died on 29.07.2013.

3. According to the petitioner, the respondents have now proceeded settlement of dues by not counting the suspension period as period spent on duty. According to him, admittedly, the departmental enquiry did not get finalized nor did the criminal case initiated against the employee got finalized, and as such the employee stood a suspended employee till the date of his death from the date he was suspended i.e. 04.03.2010 to 29.07.2013. The deceased employee has received subsistence allowance for the said period.
4. Given the aforesaid facts as have been submitted by the petitioner, this court is of the opinion that if the same is found to be correct, there is no reason why the period of suspension should not be treated as period spent on duty for settling the dues that the petitioner would be entitled for on account of death of the deceased employee on 29.07.2013.
5. Subject to verification of the aforesaid facts as narrated by the petitioner, the respondents No.2 to 4 are directed to take appropriate steps both in releasing death-cum-retiral dues as also pensionary benefits counting the period of suspension i.e. the period between 04.03.2010 till the date of death i.e. 29.07.2013 also as period spent on duty. An appropriate decision is expected from the respondents No.2 to 4 within a period of four months from the date of receipt of copy of this order.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge