

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 6230 of 2019**

Om Prakash Dhanki S/o Late Parmeshwar Nath Dhanki, Aged About 44 Years, R/o Kotchhal, Post Office Jamkani And Police Station Sitapur, District Surguja, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Higher Education Department, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh
2. Block Development Officer, Mainpat, District Surguja, Chhattisgarh
3. Collector (Adiwasi Vikas) Ambikapur, District Surguja, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Chakresh Tiwari, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.

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

19.08.2019

1. The limited grievance which the petitioner has sought in the present writ petition is for an appropriate direction to the respondents for grant of subsistence allowance.
2. The contention of the counsel for the petitioner is that on account of the petitioner getting implicated in a criminal case for the offence punishable under Section 302 of IPC, the petitioner was arrested and sent to judicial custody. Subsequently, he was placed under suspension on 16.01.2012. According to the petitioner, from the date

of suspension i.e. 16.01.2012 till April, 2014, the petitioner was paid subsistence allowance, however, thereafter it has not been released. The contention of the counsel for the petitioner is that till date no further order has been passed so far as the service of the petitioner is concerned and therefore, he is still entitled for subsistence allowance.

3. State counsel, however, apprehends that in all possibility the criminal case must have resulted in conviction of the petitioner which must have been the reason why the petitioner's subsistence allowance has been stopped from April, 2014. However, there is no such document on record available.
4. Given the said facts, let respondents 1 & 3 take an appropriate decision on the claim of the petitioner for releasing of subsistence allowance on due verification of the factual matrix as narrated in the preceding paragraphs. In case the petitioner is entitled for any dues under the rules, the same should be released to the petitioner at the earliest preferably within a period of 4 months from the date of receipt of copy of this order.
5. It is made clear that this Court has not expressed any opinion on the merits of the case so far as the entitlement of the petitioner is concerned.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
P. Sam Koshy
Judge