

**HIGH COURT OF CHHATTISGARH, BILASPUR****WRIT PETITION (S) NO.6237 OF 2019**

Rakesh Singh S/o Late Bharat Singh Aged About 65 Years Retired Assistant Accountant, District Co-Operative Central Bank Limited, Branch Nawagarh, R/o Village Bhaismudi, Police Station Nawagarh, District Janjgir Champa, Chhattisgarh.

**...Petitioner(s)****Versus**

1. State of Chhattisgarh Through Secretary, Department of Co-Operative Society, Mahanadi Bhawan, Mantralaya, Atal Nagar, District Raipur, Chhattisgarh.
2. District Co-Operative Central Bank Limited, Bilaspur Through Its Chief Executive Officer, Main Branch, District Co-Operative Central Bank Limited, Bilaspur, District Bilaspur, Chhattisgarh.
3. District Co-Operative Central Bank Limited Branch Nawagarh, Through Its Branch Manager, District Janjgir Champa, Chhattisgarh.

**... Respondent(s)**

|                        |   |                                                                                   |
|------------------------|---|-----------------------------------------------------------------------------------|
| For Petitioner         | : | Shri Tarkeshwar Nande, Advocate.                                                  |
| For Respondent-State   | : | Ms. Ishwari Dhritlahre, Panel Lawyer                                              |
| For Respondents No.2&3 | : | Shri Gary Mukhopadhyay, Advocate on behalf of Shri Jitendra Shrivastava, Advocate |

**Hon'ble Shri Justice P. Sam Koshy****Order on Board****19.08.2019**

1. The limited relief sought for by the petitioner is for a direction to the respondents No.2&3 to take an appropriate decision so far as claim of the petitioner for the dues of wages minus subsistence allowance that the petitioner has received during the period of suspension.
2. The contention of the petitioner is that, he stood suspended on 09.07.2013 and had crossed the age of superannuation under suspension itself. Since the petitioner was placed under suspension for getting involved in a criminal case and that criminal case has resulted in an acquittal, the petitioner should be paid the entire wages after adjusting the subsistence allowance that has been paid to the petitioner. It is further the contention of the petitioner that the department as such has not conducted any departmental enquiry against him and since there was no departmental enquiry conducted against him, the petitioner cannot be refused of the

monetary dues which he would have otherwise received had he not been placed under suspension.

3. Without expressing any opinion on the merits of the case so far as entitlement is concerned, the writ petition stands disposed of with a direction to the respondents No.2&3 to decide the representation which the petitioner has made so far as his claim for dues of wages after adjusting the subsistence allowance is concerned at the earliest preferably within a period of three months from the date of receipt of copy of this order.
4. The writ petition accordingly stands disposed of.

Sd/-  
(P. Sam Koshy)  
**Judge**