

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7585 of 2019

Jairam Kesharwani S/o - Shri Sadhram Keshrwani Aged About 63 Years Retired Peon Nagar Panchayat Sarangarh, R/o - Sarangarh Tahsil And Police Station Sarangarh District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of General Administration And Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. The Collector, District Raigarh Chhattisgarh
3. The Chief Municipal Officer, Nagar Panchayat Sarangarh, District Raigarh Chhattisgarh
4. The S.D.O. (Revenue) Sarangarh, District Raigarh Chhattisgarh

---Respondents

For Petitioner	:	Mr. Tarun Dansena, Advocate
For State	:	Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/09/2019

1. The claim of the petitioner in the present writ petition is for an appropriate direction to the respondent No.3 so far as granting of consequential benefits for the suspension period between 29.09.2012 to 27.02.2013.
2. The contention of the petitioner is that vide order dated 29.09.2012, the petitioner was placed under suspension and without conducting any departmental enquiry nor the petitioner being inflicted with any punishment, the order of suspension was revoked vide Annexure P/3 dated 27.02.2013. Though the petitioner has not been inflicted with any punishment, nor has he been subjected to any departmental enquiry, the petitioner under the service Rules would have been entitled for all consequential benefits including monetary benefits that he would have received had he not been placed under suspension.

3. The petitioner immediately thereafter moved a representation to the authorities concerned on 08.03.2013 and the respondent No.3 in turn had sought clarification/guidance in this regard from the State Authorities, which till date is pending consideration. According to the petitioner, once when the petitioner has not been inflicted with any punishment, nor has he been subjected to any departmental enquiry, the petitioner cannot be deprived of the monetary benefits, that he would otherwise received had he not been placed under suspension for the entire suspension period.
4. Given the aforesaid facts and circumstances of the case, let the respondents No.1 & 3 take an appropriate decision so far as the claim of the petitioner for the consequential benefits during the period of suspension after adjusting the subsistence allowance that he has received pursuant to the circular of the State Government dated 23.11.2010 and other relevant circulars in this regard. Let this exercise be completed by the respondents No.1 & 3 within a period of 3 months from the date of receipt of the copy of this order.
5. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved