

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 9155 of 2019

Radni Daniels, S/o. Anthoni Daniels, Aged About 60 Years, R/o. Tarbahar, Police Station Tarbahar, Bilaspur, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Director, Directorate Of Health Service, Public Health And Family Welfare Department, Raipur, Chhattisgarh.
3. Joint Director, Public Health And Family Welfare Department, Bilaspur, Chhattisgarh.
4. Chief Medical And Health Officer District Bilaspur, Chhattisgarh.
5. Block Medical Officer, Community Health Center, Masturi, District Bilaspur, Chhattisgarh.

----Respondents

For Petitioner : Shri Anshuman Shrivastava, Advocate.

For State : Smt. Deepti Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11.11.2019

Heard

1. Grievance of the petitioner is that the petitioner though was suspended from 16.05.2010, the suspension was revoked by Annexure P-1 dated 07.02.2019.
2. Learned counsel for the petitioner submits that the petitioner is not claiming any judicial pronouncement at this moment on legality of suspension but the claim is to the consequential monetary claim whether it is payable or not, the order is silent and as per petitioner the monetary benefit as is payable to him cannot be deprived. He referred to the order dated 23.09.2019 passed in WPS No.7585 of 2019 and would submit that in the similar set of cases, this Court

has laid down the following ratio :

“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.”

3. Considering the fact that at this moment, no judicial pronouncement is sought for and only entitlement of the petitioner is claimed as per the ratio passed in WPS No.7585 of 2019, the State shall be at liberty to decide the entitlement of the petitioner's claim i.e. consequential benefits within a period of 3 months from the date of receipt of a copy of this order.
4. It is made clear that this Court has not made any observation to the entitlement of the petitioner's claim of consequential benefit for the suspended period.
5. With such observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
JUDGE