

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Writ Appeal No. 3 of 2019

Subhash Chandra Verma S/o Late Shri Bhoopsingh Verma Aged About 62 Years
 (Aadhar No. 205816648737), R/o B-128, L.I.G. Colony, Ravishankar Shukla
 Nagar, Indore (Madhya Pradesh) 452011.

---- Appellant

Versus

1. State Of Chhattisgarh Through Its Secretary, Industries, Department Of Industries, Government Of Chhattisgarh, Mahanadi Bhawan, Capital Complex, Mantralaya, New Raipur Chhattisgarh. 492001.
2. Chhattisgarh State Industrial Development Corporation Through Its Managing Director, Udhog Bhawan, Ring Road No. 01, Telibandha, Raipur Chhattisgarh 492006.
3. The Chairman Chhattisgarh State Industrial Development Corporation, Udhog Bhawan, Ring Road No. 01, Telibandha, Raipur Chhattisgarh. 492006.

---- Respondents

For Appellant	: Shri Vinod Deshmukh, Advocate.
For Respondent/State	: Smt. Astha Shukla, Panel Lawyer.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

09/01/2019

Per Ajay Kumar Tripathi, Chief Justice

1. I.A. No.01 of 2019 has been filed to condone delay of 8 days in instituting the appeal. For the reasons indicated in the application, the same is allowed. Delay of 8 days is hereby condoned.
2. Admitted position is that the Appellant was convicted under the Prevention of Corruption Act read with Section 120-B of the IPC on 30.12.2010. After his conviction for some strange reason, instead of being dismissed from service which is permissible under the law under Article 311(2) of the Constitution of India, he

was placed under suspension in the year 2011 and only on 09.01.2018, he was dismissed from service on the basis of his conviction in a criminal case.

3. This has given an opportunity to the employee, the Appellant, to move the High Court and demand subsistence allowance for the period 2011 to January 2018. The learned Single Judge took note of the fact that the conviction still subsists and there is a criminal appeal pending before the High Court.

4. In that view of the matter, the Court held that in case of Appellant earns a reprieve in the criminal appeal, he can be entitled to all the benefits when the occasion for paying subsistence allowance may not arise.

5. This Court is of the opinion that the view taken by the learned Single Judge seems to be correct and the authorities, who instead of dismissing the Appellant after his conviction decided to continue with his suspension, maintained the master-servant relationship till finally the order of dismissal was passed on 09.01.2018, was a misplaced kind of decision.

6. The appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE