

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 401 of 2020

K.C. Haldar S/o Shri Nirodh Bihari Haldar Aged About 58 Years
Occupation - Service, Posted As Handpump Technician Public
Health Engineering Department, Sub Division Antagarh, Block -
Koyalibeda, District - Kondagaon Chhattisgarh.

---- Petitioner

1. Versus

1. The State Of Chhattisgarh Through The Secretary Public Health Engineering Department, Mantralaya Mahanadi Bhawan, Capital Complex New Raipur, District - Raipur Chhattisgarh.
2. Chief Engineer Public Health Engineering Department, Directorate Indirawati Bhawan, Block B - 4, Third Floor, New Raipur District - Raipur Chhattisgarh.
3. Executive Engineer, Public Health Engineering Department, Kanker Division Kanker District - North Baster Kanker Chhattisgarh.
4. Executive Engineer, Public Health Engineering Department Kondagaon, District - Kondagaon Chhattisgarh.

----Respondents

For petitioner – Shri Sunil Sahu, Advocate.
For State-Shri Soumya Rai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

17/01/2020

Heard.

1. The petitioner contends that the petitioner who was working as Handpump Technician with the Public Health Engineering Department was arrested on 25/10/2015 in a criminal case. Consequently, he was suspended on 28/10/2015, eventually he was acquitted on 25/01/2016 and thereafter application having been made, his suspension was revoked on 5/08/2016 and thereafter he joined on 16/08/2016. It is contended by the petitioner that as per Rule 54 (B) of the Fundamental Rules he was entitled for the salary in between the period from the date of suspension to date of his joining.
2. Learned counsel for the petitioner submit that the petitioner has

already preferred a detailed representation Annexure P-5 with the respondent which may be directed to be decided.

3. Considering the fact that the petitioner prima facie appears to have been suspended and was reinstated subsequently with the acquittal in the criminal case, no departmental enquiry was held, petitioner has prayed for the salary in between the period from the date of suspension to date of his joining i.e. from 28/10/2015 to 16/08/2016, taking into such fact, contents of the representation, it is directed that respondent No.3 shall decide the representation of the petitioner in terms of the Rule 54 (B) of the Fundamental Rules within a period of 45 days from the date of receipt of this order.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE