

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 360 of 2020**

Rajkumar Patre S/o Shri Bagluram Aged About 36 Years Occupation Shiksha Karmi , R/o Village Odhadabri Police Station Kunda, District : Kawardha (Kabirdham), Chhattisgarh. **--- Petitioner**

**Versus**

1. State of Chhattisgarh through Secretary, Department of Panchayat And Rural Development Mantralaya, Mahanadi Bhawan Naya Raipur , Police Station Abhanpur District Raipur Chhattisgarh.
2. Chief Executive Officer Janpad Panchayat Patheriya District Mungeli, Office of Chief Executive Officer Janpad Panchayat Patheriya District Mungeli Chhattisgarh. **--- Respondents**

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| For Petitioner         | : | Ms. Deepali Pandey, Advocate |
| For Respondents/ State | : | Shri Kunal Das, Panel Lawyer |

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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****17-01-2020**

1. Heard.
2. Learned counsel for the petitioner would submit that pursuant to the conviction of the petitioner under Section 409 read with Section 34 of Indian Penal Code dated 30.06.2011, the petitioner was suspended and thereafter against the conviction, the appeal was filed before the Sessions Judge wherein also the conviction was maintained by order dated 03.07.2014, however, in the revision filed before this Court in CRR No. 647 of 2014 (Annexure P-2) the petitioner was acquitted of the charges. It is contended that since the petitioner was suspended and only on the charges that he was convicted the petitioner suffered the suspension and despite the fact that the acquittal order has been passed on 12.07.2019 the suspension has

not been revoked. It is stated that even the subsistence allowance during the suspension has not been paid. Therefore, a representation has been made to Chief Executive Officer, Janpad Panchayat, Patheriya District Mungeli (Annexure P-1) and prayer is made to decide the same within a time frame so the position of the petitioner can be made clear and the petitioner may be paid allowance due to him as finally the petitioner has been acquitted.

3. Perusal of the order passed in CRR No. 647 of 2014 shows that the petitioner has been acquitted of the criminal case. If it is the case of the State that only on the basis of the conviction the petitioner was subjected to suspension then in such case if the conviction has been set aside then consequence of it shall follow. Accordingly, the representation of the petitioner (Annexure P-1) shall be decided within a period of 45 days from the date of receipt of a copy of this order taking into consideration the acquittal order passed in CRR No. 647 of 2014.
4. With the aforesaid observation, the petition stands disposed of.

**Sd/-**

**Goutam Bhaduri  
Judge**