

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 49 of 2018**

1. State Of Chhattisgarh Through The Secretary, Government Of Chhattisgarh, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Naya Raipur, Chhattisgarh
2. Commissioner Surguja Division, District Surguja, Chhattisgarh
3. Collector Surajpur District Surajpur, Chhattisgarh
4. Sub Divisional Officer (Revenue) Surajpur, District Surajpur, Chhattisgarh
5. Tahsildar, Tehsil - Ramanujnagar, District Surajpur, Chhattisgarh

---- Applicants**Versus**

- Ram Gopal Sahu S/o Shri Ganpat Ram Sahu Aged About 43 Years Occupation Service (Patwari), R/o Ramanujnagar, P.O. P.S. And Tehsil Ramanujnagar District Surajpur, Chhattisgarh

---- Respondent

For Applicants : Shri Alok Bakshi, Additional A.G.
 For Respondent : Shri Surfaraj Khan, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****23/01/2020**

A prayer for review of order dated 06/10/2017 has been made by the State on the submission that the order under review was passed directing payment of full salary on incorrect factual premise that during the period, the petitioner remained under suspension and uptill reinstatement on 01/02/2016, no charge sheet was issued nor any penalty imposed.

2. Learned State counsel, referring to the averments made in the petition, submits that the petitioner himself asserts in the pleadings that charge sheet was issued, though the enquiry remained unconcluded. Therefore, it is argued, the direction for payment of full salary in respect of the period during which the

respondent remained under suspension, may be recalled.

3. Learned counsel for the respondent could not dispute the factual position that after suspension of the respondent, a charge sheet was also issued to which, he submitted his reply and that, till the date of reinstatement on 01/02/2016, the departmental enquiry remained unconcluded and was actually pending.

4. In view of the aforesaid admitted factual position and clear averments made in the writ petition itself, it has to be held that after suspension of the petitioner on 08/05/2015, charge sheet was issued to the petitioner on 23/05/2015 which was replied by him vide his reply dated 06/06/2015 and the departmental enquiry remained pending without any final order till the date of reinstatement after revocation of suspension on 01/02/2016.

5. In view of above, the order passed by this Court on 06/10/2017 proceeds on incorrect factual premise and therefore, deserves to be and is hereby recalled. WPS No.2250/2017 is restored to its original number. Review petition is accordingly allowed.

Sd/-

(Manindra Mohan Shrivastava)
Judge