

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3142 of 2020**

Nand Lal Rathia S/o Mohan Singh Rathia, Aged About 49 Years
Postal Assistant (At Present Suspendend) Head Post Office
Raigarh (Chhattisgarh) R/o Village Kurru, P.O. Barra Via Chhal
Tahsil Kharsia, District Raigarh Chhattisgarh.

---- **Petitioner****Versus**

1. Union of India, through its Secretary, Ministry of Communication and IT Department of Post Dak Bhawan Sansad Marg New Delhi 110001
2. The Director General Postal, Ministry of Communication and IT, Department of Post, Dak Bhawan, Sansad Marg, New Delhi 110001
3. The Chief Post Master General, Chhattisgarh Circle, Raipur Chhattisgarh, 492001
4. The Director, Postal Services, Chhattisgarh Circle, Raipur Chhattisgarh, 492001
5. The Superintendent of Post Offices, Raigarh Division, Raigarh Chhattisgarh 496001

---- **Respondent**

For Petitioner	: Ms. Deepali Pandey, Advocate.
For Respondents	: Shri Himanshu Pandey, Advocate on behalf of Shri B. Gopa Kumar, Assistant Solicitor General.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**Per P.R. Ramachandra Menon, Chief Justice****21.08.2020**

1. Interference declined by the Central Administrative Tribunal, Jabalpur Bench, Jabalpur (for short 'the Tribunal') with regard to the prayer in MA No. 200/346/2020 to recall the order dated 22.05.2020 whereby the prayer for interim relief was declined, is put to challenge in this writ petition.

2. The prayers are in the following terms:

"10.1 That, the Hon'ble Court be pleased to quash the order dated 22.6.2020 passed by the Central Administrative Tribunal Jabalpur Bench in OA/200/302/2020 whereby MA/200/350/2020 of the Petitioner/Applicant for recalling of order dated 22.05.2020 and to consider the prayer for interim relief is rejected. (Annexure P/1).

10.2 That, the Hon'ble Court be pleased to direct the respondent State authority to reinstate the petitioner with all consequential benefits.

10.3 That, any other relief which this Hon'ble Court deems fit in the present facts and circumstances of the case may kindly be granted."

3. The Petitioner, who was working as Postal Assistant in the Postal Department at Head Post Office, Raigarh, (Chhattisgarh), was placed under suspension on 12.02.2020 by the 5th Respondent in exercise of the power under Rule 10(1) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, allegedly without assigning any reason; which was stated as mechanically extended for a further period of 90 days without any regard to the fact that no charge-sheet was submitted within 90 days from the date of suspension. Under such circumstances, it was contended that the employee is liable to be reinstated in view of the law declared by the Apex Court in ***Ajay Kumar Choudhary v. Union of India, through its Secretary & Another***; {(2015) 7 SCC 291}. It was in the said circumstance that the Petitioner sought to approach the Tribunal challenging the impugned proceedings and seeking for an interim relief to reinstate him in service.

4. The prayer for interim relief was declined by the Tribunal as per order dated 22.05.2020. This order was sought to be recalled by filing MA seeking to grant interim relief, which was considered in the light of the materials on record and the MA was rejected as per order dated 22.06.2020, also taking note of the fact that the charge sheet was issued in the meanwhile on 11.06.2020. Correctness of the said order passed by the Tribunal is under challenge in this writ petition, filed in exercise of the

supervisory jurisdiction of this Court under Article 227 of the Constitution of India (though it is wrongly mentioned as under Article 226).

5. When the matter is taken up for consideration, Ms. Deepali Pandey, the learned counsel appearing for the Petitioner submits that after filing the above writ petition on 13.07.2020, the Respondent concerned has revoked the suspension of the Petitioner vide order dated 11.08.2020, a copy of which has been produced as Annexure P/11 alongwith IA No. 2 of 2020, dated 20.08.2020.

6. The learned counsel submits that the subsisting grievance is only with regard to the non-payment of subsistence allowance at the rate of 75% after 12.05.2020 *i.e.* on expiry of period of 90 days from the date of passing of the suspension order.

7. Obviously, the prayer sought for in the writ petition is only to interdict Annexure P/1 order and to direct the Respondents to reinstate the Petitioner with all consequential benefits. Payment or non-payment of subsistence allowance is not the subject matter as of now. In the said circumstances, since the suspension of the Petitioner is stated as revoked and further since the OA itself is stated as still pending before the Tribunal, it is for the Petitioner to move the appropriate authorities/forum for redressal of any grievance with regard to payment of the subsistence allowance or such other reliefs.

8. Granting liberty to pursue the matter as above, the writ petition stands dismissed, as nothing further survives to be considered or adjudicated with reference to the prayers in the writ petition.

Sd/-
(P.R. Ramachandra Menon)
CHIEF JUSTICE

Sd/-
(Parth Prateem Sahu)
JUDGE