

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4297 of 2020**

Smt. Ashwani Dahariya W/o Shri Kamal Singh Dahariya Aged About 59 Years R/o Chandela Nagar, Ring Road No. 2, Bilaspur, Tahsil and District Bilaspur (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Woman And Child Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur (Chhattisgarh)
2. Director Woman And Child Development, Indrawati Bhawan, Block-1, 2nd Floor, Atal Nagar, Raipur (Chhattisgarh)
3. District Programme Officer Department Of Woman And Child Development, Office Of District Collector, Bilaspur, District Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Akshay Uppal, Advocate
For State	:	Mr. Sudeep Verma, Dy. GA

Hon'ble Shri Justice P. Sam Koshy
Order on Board

07/12/2020

1. The petitioner is working as a Supervisor under respondents No.2 & 3. In the course of working as a Supervisor the petitioner was placed under suspension for the period between 26.07.2014 to 08.01.2015. Vide Annexure P-1 dated 08.01.2015 the suspension of the petitioner was revoked and she was taken back in service and since then petitioner is working on the post of Supervisor continuously.
2. According to the petitioner she is discharging the duties of Supervisor right from 1995 onwards and that because of the petitioner being placed under

suspension she is firstly not being granted subsistence allowance and thereafter respondents have also not considered granting of benefit of time bound pay scale as also the other benefits that petitioner would have otherwise got. It was contention of the petitioner that even though the suspension order has been revoked from 08.01.2015 but till date respondents have neither issued any show cause notice, chargesheet nor have they initiated any disciplinary action against the petitioner. It was further contention of the petitioner that another Supervisor who was placed under suspension along with the petitioner and whose suspension also was revoked along with the petitioner, has subsequently been granted the entire benefits after the said person namely Smt. Manju Chaturvedi had approached this Court by way of writ petition.

3. Given the limited grievance that the petitioner has raised and also considering the fact that even after the petitioner was placed under suspension as early as on 26.07.2014, till date no show cause notice, charge-sheet or Departmental Enquiry has been initiated against the petitioner. The case of the petitioner needs reconsideration firstly on the point of granting subsistence allowance during the period of suspension. Secondly to consider the case of the petitioner for grant of benefits of time bound pay scale on completion of requisite length of service and further for considering the claim of the petitioner for promotion, if any, given to the similarly placed person or persons junior to the petitioner.
4. Given the said facts and circumstances of the case, let petitioner in addition to the representation that he has made make a fresh representation to respondents No.2 & 3 within a period of 15 days from today and respondents No. 2 & 3 shall consider the case of the petitioner and decide the representation in accordance with law preferably within a period of 90 days. While deciding the case of the petitioner, respondent

authorities shall also take note of the order passed in the case of Smt. Manju Chaturvedi a similarly placed employee in the department.

5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit