

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 5951 of 2011**

Rakesh Raman Singh S/o Vishwanath Singh, Aged about 52 years, Surveyor Office of Assistant Soil Conservation Officer, Ambikapur, Distt. Sarguja Chhattisgarh R/o Kedarpur, Ambikapur, Distt. Sarguja, Chhattisgarh.

---Petitioner

Versus

- 1.State of Chhattisgarh, Through the Secretary, Department of Agriculture, D.K.S. Bhawan, Raipur, Chhattisgarh.
- 2.The Commissioner, Sarguja Division, Ambikapur, Distt. Sarguja, Chhattisgarh.
- 3.The Collector, Sarguja-cum-District Election Officer, Sarguja at Ambikapur, Distt. Sarguja, Chhattisgarh.
- 4.Assistant Soil Conservation Officer, Collectorate Campus, Ambikapur, Distt. Sarguja, Chhattisgarh.

---Respondents

For Petitioner :- Mr. A.K. Prasad, Advocate

For State :- Mr. Soumya Rai, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board (Th. Video Conferencing)

03/09/2021

- 1.Petitioner was inflicted with major penalty of
stoppage of five increments with cumulative

effect and it was also directed that during the suspension period, he will not be entitled for any benefits except pension which was questioned by the petitioner in a departmental appeal wherein the Commissioner interfered with the punishment and converted it into minor penalty with stoppage of five increments with non-cumulative effect, however, so far as the order of suspension is concerned, it was maintained as it is.

2.Mr. A.K. Prasad, learned counsel for the petitioner, would submit that once the petitioner was inflicted with minor penalty, the period of suspension ought to have been considered in light of Rule 54 of the Fundamental Rules which has not been appropriately considered by the learned Commissioner, as such, the impugned order dated 08/08/2011 (Annexure P/1) is liable to be set aside.

3.Mr. Soumya Rai, learned State counsel, would support the impugned order.

4.I have heard learned counsel for the parties at length.

5. True it is that major penalty imposed upon the petitioner was converted into minor penalty by the appellate authority but it also ought to have directed the disciplinary authority for consideration of full pay and allowances during the suspension period in accordance with Rule 54 of the Fundamental Rules. Accordingly, the impugned order dated 08/08/2011 (Annexure P/1) is partly set aside to the extent of holding that during the suspension period, petitioner will not be entitled for full pay and allowances and the matter is remitted to the disciplinary authority to consider the question as to whether petitioner will be entitled for full pay and allowances during the period of suspension in light of Rule 54 of the Fundamental Rules and pass a reasoned and speaking order within 2 months from the date of receipt of a copy of this order.

6. Accordingly, the writ petition is allowed to the extent indicated herein-above. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet