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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3078 of 2021**

Praveen Kumar Masih S/o Late Prem Dayal Masih, Aged About 41 Years, R/o Rajgharana Colony, Behind White House Uslapur, Ameri, Police Station Sakri, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. Chhattisgarh State Power Company Limited Through Its Chairman Danganiya, Raipur, District Raipur, Chhattisgarh
2. Chhattisgarh Power Generation Company Limited Through Its Managing Director, Danganiya, Raipur, District Raipur, Chhattisgarh
3. Chief Engineer (Generation), Chhattisgarh State Power Generation Company Limited, Korba West, Chhattisgarh
4. Additional Chief Medical Officer, Chhattisgarh State Power Generation Company Limited, Hospital Hasdev Thermal Power Plant, Korba West Chhattisgarh
5. Superintending Engineer (H.R.), Chhattisgarh State Power Generation Company Limited, Hasdev Thermal Power Plant, Korba West, Chhattisgarh

---- Respondents

For Petitioner : Mr. Faisal Akhtar, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****30.06.2021**

1. The grievance of the petitioner seems to be the delay on the part of the respondents in releasing subsistence allowance to the petitioner.
2. According to the petitioner, he has been placed under suspension vide order dated 13.03.2020 on account of the petitioner getting implicated

in a criminal case and remaining under custody for a period of more than 48 hours.

3. Counsel for the petitioner submits that the petitioner has been released on bail from the criminal Court, however, he continues to remain under suspension and the department has till date not initiated any disciplinary proceeding against the petitioner. Counsel for the petitioner submits that the respondents are not regularly paying subsistence allowance to the petitioner and the payment of subsistence allowance is made with a gap of 3-4 months every time. However, from January, 2021 onwards the petitioner has not received any amount of subsistence allowance till date. According to the petitioner, in the absence of non-releasing of subsistence allowance regularly on month to month basis the petitioner finds it difficult to sustain himself and the dependents on him.
4. There can be no dispute to the fact that the very subsistence allowance is paid to an employee so that he can sustain himself during the period of suspension or during the period that he faces a disciplinary proceeding. The Hon'ble Supreme Court right from the time of the landmark judgment in the case of Capt. M. Paul Anthony v. Bharat Gold Mines Ltd. (1999) 3 SCC 679 has emphasized on the fact that subsistence allowance has to be mandatorily provided to a delinquent employee during the period he remains under suspension.
5. Given the said factual position as it stands, this Court is of the opinion that the writ petition need not be kept pending for long by admitting the same, rather ends of justice would meet if the writ petition is disposed of directing the respondents 3 to 5 to ensure that the petitioner's subsistence allowance is released regularly on monthly basis without

any default unless there is some grave administrative exigency that arises.

6. So far as the unpaid subsistence allowance from January, 2021 to till date is concerned, the respondents 3 to 5 are directed to ensure that the said amount is paid including the arrears positively by the month of July, 2021 so that the same is credited in his account in the month of August, 2021. For the further periods it shall be paid on monthly basis.
7. As regards the claim of the petitioner for enhancement of subsistence allowance from 50% to 75%, let the request/claim of the petitioner which is pending consideration before the respondent authorities also be decided in accordance with law at the earliest preferably within a period of 60 days from the date of receipt of copy of this order.
8. With the aforesaid direction the writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**