

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4295 of 2021

1. Dr. Lallan Singh S/o Late Dwarika Singh Aged About 60 Years Presently Working as Deputy Director, Veterinary Services, R/o Brijesh Bhawan, Gaurav Path (Ring Road No.2), Bilaspur, Tahsil and District Bilaspur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Its Secretary, Veterinary Development Department / Animal Husbandry And Dairying, Mahanadi Bhawan, Atal Nagar , Naya Raipur, Tahsil and District Raipur, Chhattisgarh Pin 495001.
2. The Additional Secretary Veterinary Development Department / Livestock Development Department, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Tahsil And District Raipur, Chhattisgarh Pin 492001.
3. The Deputy Secretary Veterinary Development Department / Livestock Development Department, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Tahsil and District Raipur, Chhattisgarh Pin 492001.

---Respondents

For Petitioner	:	Shri Rajkamal Singh, Advocate.
For Respondent-State	:	Shri Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17.08.2021

1. The petitioner seems to have filed the present writ petition being partly aggrieved by the impugned order dated 09.07.2021. Partly aggrieved to the extent that the petitioner is not aggrieved by the revocation of the suspension, but is aggrieved by the change of place of posting from Kondagaon to Bijapur upon revocation of the order of suspension.
2. The further grievance of the petitioner seems to be non granting of the subsistence allowance which otherwise the petitioner is entitled for during the period he was placed under suspension from 14.09.2020 to 09.07.2021 i.e. for a period roughly ten months. According to the petitioner he has not been paid any subsistence allowance during the said period.

3. As regards the grievance of non granting of subsistence allowance, it goes without saying that granting of subsistence allowance during the period of suspension is a matter of right of a delinquent employee. The department cannot expect the petitioner to sustain himself without even being provided of the subsistence allowance. Moreover, even under the service rules governing the service conditions of the petitioner requires payment of subsistence allowance during the period of suspension.
4. Accordingly, subject to verification of facts in case if the petitioner has not been paid the subsistence allowance for the period of his suspension between 14.09.2020 to 09.07.2021, the respondents should ensure that the subsistence allowance is paid to the petitioner at the earliest not later than 60 days from the date of receipt of copy of this order.
5. As regards the grievance so far as change of place of posting is concerned, the petitioner submits that he has already made a representation to the higher authorities in the department if that be so, the authorities are expected to take a decision on the same in accordance with rules within the aforesaid stipulated period of 60 days. In case if the petitioner wants, he can make a fresh representation to the authorities in support of his contentions.
6. The writ petition accordingly stands disposed of with the aforesaid observations.

Sd/-
(P. Sam Koshy)
Judge