
(2013) 10 MP CK 0047
In the Madhya Pradesh High Court
Case No : Writ Petition 7512 of 2013

Mahaveer Prasad Jain

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 23-10-2013

Acts Referred:

Citation : (2013) 10 MP CK 0047

Hon'ble Judges : Sujoy Paul, J

Bench : Single Bench

Advocate : S.P. Jain, for the Appellant; Nidhi Patankar, Government Advocate, for the Respondent

Final Decision : Allowed

Judgement

Sujoy Paul, J.—With the consent of parties, matter is finally heard. Grievance of the petitioner is against Annexure P-1 dated 24.8.2013, whereby petitioner's suspension period is treated as not spent on duty by holding that the petitioner shall not be entitled for pay and allowances for the suspension period. By placing reliance on the judgment of this Court delivered in WP No. 5916/2013 (Annexure P-2), it is contended that the said course is impermissible.

2. Smt. Patankar supported the order and submits that there is no legal infirmity in the order.

3. I have heard learned counsel for the parties.

4. In the considered opinion of this Court, the question in this regard is no more res integra. This Court in Y.S. Sachan Vs. State of Madhya Pradesh and Others, opined that when a minor punishment is inflicted on an employee, suspension period must be treated as spent on duty by granting pay and allowances. The said view was affirmed by the Division Bench recently in a case reported in State of M.P. and another Vs. Shailendra, .

5. In the light of aforesaid, the order of Collector depriving the petitioner from

arrears of pay and allowances for the suspension period cannot be permitted to stand. The order to that extent dated 24.8.2013, Annexure P-1, is set aside. The respondents are directed to treat the suspension period in question as spent on duties for pay and allowances and pay consequential benefits to the petitioner within 90 days. Petition is allowed. No costs.