
(2018) 08 CHH CK 0323
In the Chhattisgarh High Court
Case No : Writ Petition (S) No. 5567 Of 2018

Ramesh Kumar Ratre	Vs	APPELLANT
State Of Chhattisgarh And Ors		RESPONDENT

Date of Decision : 28-08-2018

Acts Referred:

Citation : (2018) 08 CHH CK 0323

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : Anchal Kumar Matre, Raj Kumar Gupta

Final Decision : Disposed Of

Judgement

P. Sam Koshy, J

1. Grievance of the Petitioner is that, though after placing the petitioner under suspension the same having been revoked, the authorities concerned

have not taken any decision under FR-54B as to how the intervening period of suspension has to be treated.

2. The facts of the case is that, the petitioner was prosecuted for the offence punishable under the provisions of Prevention of Corruption Act and the

said case ended up in the acquittal of the petitioner vide judgment dated 08.12.2017. The petitioner meanwhile was under suspension between

30.09.2011 to 27.09.2014 and for the period between 30.09.2011 to 30.09.2012 the petitioner was given only 50 percent of the salary as subsistence

allowance and from 30.09.2012 till date he has been paid only 75 percent of the salary. According to the petitioner, though he has been reinstated in

service on 27.09.2014 till date he is being paid 75 percent of salary which is per se illegal. He further submits that the petitioner has already made a

representation in this regard, but no decision has been taken on the said representation.

3. So far as rule position is concerned, the relevant rule applicable in the present case is FR-54B which mandates the respondents to take a decision

on the revocation of the suspension order to pass an order holding as to how the intervening period of suspension has to be treated. It would also be

required for the authorities concerned to decide whether the petitioner would be entitled for the entire monetary benefits for the intervening period or

not. However, in the instant case though after revocation the petitioner has been working with the respondents for almost four years, however till date

without any reason he is still being paid 75 percent of the salary as has been alleged by the petitioner.

4. This fact needs reconsideration by the authorities and an appropriate order under FR-54B needs to be passed.

5. Given the aforesaid factual matrix of the case, this court is of the opinion that no fruitful purpose would be served in keeping this petition pending.

Rather ends of justice would meet if the respondent No.2 take a decision in the case of the petitioner by passing an appropriate order under FR-54B

and at the same time he would also issue necessary orders for releasing full salary payable to the petitioner-(minus) whatever paid to him from the

date of reinstatement till date.

6. In addition to the representation which the petitioner has made in the past, he is also directed to make a detailed representation specifically

addressing the respondent No.2 within a period of 15 days from today. On such representation being made, a suitable decision be taken within an

outer limit of 60 days thereafter.

7. The writ petition accordingly stands disposed of.