



2026:CGHC:3722
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8906 of 2023

Pushp Sagar Binayak S/o. Shri Parashu Ram Binayak, Aged About 38 Years Working As A Sub Inspector, Reserve Police Line Bijapur, District - Bijapur, Chhattisgarh.

... Petitioner

versus

- 1** - State of Chhattisgarh Through The Principal Secretary, Department of Home, Mantralaya, New Raipur, District - Raipur, Chhattisgarh.
- 2** - The Director General of Police, Police Head Quarter, New Raipur, District - Raipur, Chhattisgarh. 492002.
- 3** - The Inspector General of Police, Bastar Range Jagdalpur, District - Bijapur, Chhattisgarh.
- 4** - The Deputy Inspector General of Police, Kanker Range, District - Uttar Bastar Kanker, Chhattisgarh.
- 5** - The Superintendent of Police, District - Uttar Bastar Kanker, Chhattisgarh.

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Sunil Pillai, Advocate
For State/Respondents	:	Mr. Anand Dadariya, Deputy Advocate General

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

21.01.2026

1. The petitioner has filed this writ petition with the following relief(s):-

"10.1 To call for entire records pertaining to petitioner's case for kind perusal of the Hon'ble High Court.



10.2 To quash the impugned order dated 31.01.2023 (Annexure P/2).

10.3 To direct respondents to pay to the petitioner the entire amount alongwith interest @10% per annum.

10.4 To direct respondents to grant petitioner all consequential benefits.

10.5 To grant any other relief deemed fit and proper in facts and circumstances of the case.”

2. Learned counsel for the petitioner submits that the petitioner is serving as a Sub-Inspector and has always discharged his duties with sincerity and to the satisfaction of his superiors. Despite this, disciplinary proceedings were initiated against him levelling four charges, including alleged harassment of his wife Smt. Suman Verma in connection with dowry demand, violation of the Chhattisgarh Civil Services Conduct Rules, failure to adhere to Government policy for prevention of offences against women, and remaining absent for 225 days during the period of suspension from 10.02.2018 to 22.09.2018. It is submitted that all the charges were examined by the disciplinary authority, Respondent No. 4, and by order dated 01.08.2022, the petitioner was fully exonerated, and the departmental proceedings were closed. Learned counsel emphasizes that the petitioner was kept under suspension from 12.02.2018 to 24.12.2020, i.e., for 1046 days, and during this entire period he was paid only 50% of his salary. Learned counsel contends that suspension is preventive in nature



and not punitive, and the authorities are bound to review the quantum of subsistence allowance periodically, normally enhancing it to 75% after 90 days and to 90% if the suspension extends beyond 180 days. In the petitioner's case, no such review was undertaken, which reflects arbitrariness and discrimination.

3. Learned counsel further submits that despite being fully exonerated, the respondents passed an order dated 31.01.2023 treating 225 days of suspension as "no work, no pay" and the remaining 821 days as a period under suspension. This action is submitted to be without jurisdiction, illegal, and arbitrary.
4. Learned counsel points out that representations filed by the petitioner on 03.04.2023 and 20.09.2023 seeking rectification of the subsistence allowance and payment of full salary have not been considered, demonstrating further prejudice and bias. It is submitted that the petitioner was initially placed under suspension pursuant to Crime No. 35/2017 registered on a complaint by his wife. The petitioner was acquitted by the learned Judicial Magistrate First Class, Raipur, on 28.02.2019, yet his suspension continued for another one year and four months until it was revoked on 24.12.2020. Learned counsel contends that continuation of suspension after acquittal and subsequent issuance of the impugned order illustrates misuse of authority and arbitrary action by the respondents.



5. Learned counsel submits that once the petitioner has been fully exonerated in both the trial court and departmental enquiry, there is no legal or statutory authority permitting the respondents to curtail his salary for the period of suspension or to treat any portion thereof as "no work, no pay." Such action is arbitrary, illegal, and unsustainable. He further contends that the petitioner has suffered undue financial hardship and prejudice for no fault of his own. The action of the respondents violates the principles of fairness and equality enshrined under Articles 14 and 21 of the Constitution of India. The petitioner is entitled to full salary and benefits for the entire period of suspension, and the impugned order dated 31.01.2023 requires to be quashed.

6. On the other hand, learned State counsel opposes the submissions of learned counsel for the petitioner and submits that the petitioner's grievance regarding the impugned order dated 31.01.2023 passed by the Deputy Inspector General of Police, Kanker Range, has been fully addressed. The petitioner had submitted a representation/appeal before the Inspector General of Police, Bastar Range, Jagdalpur on 03.04.2023. The said representation/appeal was duly considered and allowed by the Inspector General of Police, Bastar Range, vide order dated 23.11.2023, wherein the entire period of absence from 12.02.2018 to 24.12.2020 (total 1044 days) was treated as "period on duty".



7. Learned State counsel further submits that, subsequent to the above order, the respondents have undertaken necessary calculations for payment of the petitioner's salary for the period from July 2018 to November 2023. A total amount of Rs.7,92,788/- was outstanding and has now been duly disbursed to the petitioner. It is further submitted that the salary for the period from 01.02.2018 to 30.06.2018, amounting to Rs. 93,253/-, which was previously outstanding, has also been paid to the petitioner. Consequently, the writ petition has become infructuous and does not survive for further adjudication, and is, therefore, liable to be dismissed.
8. I have heard learned counsel for the parties and perused the documents annexed with the writ petition.
9. Upon anxious consideration of the submissions advanced by learned counsel for the parties and a careful perusal of the documents annexed with the writ petition, it is an admitted fact that the petitioner was placed under suspension from 12.02.2018 to 24.12.2020. It is also an admitted fact that subsistence allowance was granted to the petitioner during the said period of suspension; however, it is equally undisputed that the entire amount due to the petitioner for the period of suspension had not been fully paid.
10. It is further evident from the records that the petitioner, while serving as a Sub-Inspector, was subjected to departmental



proceedings on four charges, including allegations of harassment in connection with dowry demand and other alleged violations of service rules. These charges were thoroughly examined by the disciplinary authority, Respondent No. 4, and by order dated 01.08.2022, the petitioner was fully exonerated. Consequently, the departmental proceedings were closed, and the petitioner was reinstated in service. His entire period of service during suspension is, therefore, required to be treated as regular service.

11. It is also a matter of record that the back wages of the petitioner have been calculated and disbursed to him for the period from 01.02.2018 to 30.06.2018, as well as for the period from July 2018 to November 2023, amounting to Rs.7,92,788/-, thereby clearing all outstanding salary dues. Notwithstanding the above, it is noted that the aspect of interest on the delayed payment of salary has not been addressed so far.
12. In view of the admitted facts and the principle that once a government servant is exonerated in departmental proceedings, any curtailment of salary or benefits is impermissible, this Court is of the opinion that the petitioner is entitled to interest on the delayed payment of salary for the period of suspension. Considering the circumstances of the case and in the interest of justice, the petitioner shall be entitled to interest at the rate of 6% per annum, calculated from the respective due dates of payment of salary to the date of actual payment.



13. In the result, the writ petition is **allowed** with the above observations. The respondents are directed to calculate and pay the interest at the rate of 6% per annum on the salary dues for the period of suspension, if not already included in the payments made, within a period of 45 days from the date of receipt of a certified copy of this order. No further relief is granted.

14. There shall be no order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Yogesh