



2026:CGHC:3721
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7766 of 2023

Ganga Prasad Sinha, S/o Late Shri Bihari Lal Sinha, Aged About 53 Years R/o Nurani Chowk, Near Shiv Mandir, Rajatalab P.S. Civil Lines, Tahsil Raipur District Raipur Chhattisgarh.

... Petitioner

versus

- 1 - State of Chhattisgarh Through Its Secretary Department of Urban Administation And Development Mahanadi Bhawan, Mantralaya Nawa Raipur Atal Nagar Raipur District Raipur Chhattisgarh.
- 2 - The Commissioner Municipal Corporation Raipur District Raipur Chhattisgarh.
- 3 - The Zone Commissioner, Zone No. 03, Municipal Corporation Raipur, District Raipur Chhattisgarh.

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Rudrapati Tripathi, Advocate on behalf of Mr. Jitendra Nath Nande, Advocate
For State/Respondent No.1	:	Mr. Sangharsh Pandey, Government Advocate
For Respondents No.2 & 3	:	Ms. Swati Agrawal, Advocate on behalf of Mr. Pankaj Agrawal, Advocate

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 That, the Hon'ble Court may kindly be pleased to direct the respondent authorities to revoke/review the illegal prolong suspension of the petitioner and reinstate him into the services.

10.2 That, the Hon'ble Court may kindly be pleased to direct the respondent authorities to consider the petitioner's representation and provide 75% of income as subsistence allowance forthwith the petitioner as per the Rules of 53 of the Fundamental Rules, in the interest of justice.

10.3 Any other relief/relief's which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may also please be granted to the petitioner, in the interest of justice.”

2. By way of the instant petition, the petitioner is challenging the arbitrary, discriminatory, and illegal action of the Respondent authorities whereby the petitioner has neither been reinstated in service nor provided the 75% subsistence allowance, despite having been under suspension for more than two and a half years.
3. The suspension order dated 23.01.2021 alleges that the petitioner committed fraud in the preparation of pay slips and transferred

amounts to the bank accounts of his family members and other persons, resulting in alleged financial misappropriation. Pursuant to this, the petitioner was suspended under Rule 9(a) of the C.G. Civil Services (Classification, Control and Appeal) Rules, 1965. The petitioner submitted a representation on 28.12.2022 under Rule 53 of the Fundamental Rules, requesting reinstatement and payment of subsistence allowance.

4. It is submitted by learned counsel for the petitioner that suspension is not a penalty or a bounty, but a right of the employer; however, the right of the employee to receive subsistence allowance is sacrosanct. The payment of subsistence allowance is a fundamental right under Article 21 of the Constitution of India, as it ensures that a suspended employee can sustain himself and his family and participate effectively in the disciplinary proceedings. Non-payment of subsistence allowance deprives the employee of the ability to defend himself in the inquiry, causing immense financial hardship and mental agony. The petitioner has already submitted a representation for the grant of 75% subsistence allowance before the competent authority, but no action has been taken, leaving him and his family in a situation of extreme financial distress.
5. It is further submitted by learned counsel for the petitioner that the Hon'ble Apex Court, in ***Ajay Kumar Choudhary v. Union of India & Anr., [2015 (7) SCC 291]***, held that the currency of a

suspension order should not extend beyond three months if the Memorandum of Charges/Charge-sheet is not served within that period. If the charge-sheet is served, a reasoned order must be passed for the extension of the suspension. In the present case, though the charge-sheet has been issued, no reasoned order has been passed for continuing the suspension, rendering the suspension illegal and liable to be quashed.

6. Reliance is placed upon the order passed by Co-ordinate Bench of this Court in ***Sushri Nirmala Chaturvedi v. State of Chhattisgarh & Ors. [2017 LawSuit (Chh) 1076]***, whereby the Court had directed that the State issue a circular to all departments to ensure compliance with the mandate of the Apex Court in ***Ajay Kumar Choudhary*** (supra), obliging the authorities to pass a reasoned order at the time of issuance of the charge-sheet explaining why further continuation of suspension is necessary. In the instant case, the absence of such a reasoned order warrants quashing of the suspension.
7. Lastly, learned counsel for the petitioner submits that suspension order dated 23.01.2021 is liable to be quashed and the petitioner be reinstated in service forthwith with payment of 75% subsistence allowance from the date of suspension till actual reinstatement.
8. On the other hand, learned counsel appearing on behalf of respondents No. 2 and 3 submits that the petitioner had been

placed under suspension by an order dated 23.01.2021, which forms the subject-matter of the instant writ petition. However, during the pendency of this writ petition, the services of the petitioner have already been terminated by a separate order dated 31.01.2024. Consequently, any prayer for reinstatement and/or payment of subsistence allowance from the date of suspension has become infructuous, as the petitioner is no longer in service.

9. I have heard learned counsel for the parties and perused the documents annexed with the writ petition.
10. Upon anxious consideration of the submissions advanced by learned counsel for the parties and perusal of the documents annexed with the writ petition, it appears that the petitioner has challenged the suspension order dated 23.01.2021, seeking reinstatement in service and payment of 75% subsistence allowance during the period of suspension. Learned counsel for the petitioner has placed reliance upon the decisions of the Hon'ble Supreme Court in **Ajay Kumar Choudhary** (supra) and the judgment of a Co-ordinate Bench of this Court in **Sushri Nirmala Chaturvedi** (supra), submitting that in the absence of a reasoned order for continuation of suspension, the suspension itself is liable to be quashed and the petitioner is entitled to subsistence allowance.

11. Learned counsel appearing for Respondents No. 2 and 3, however, submits that while the petitioner was earlier under suspension, during the pendency of the present writ petition, the services of the petitioner have already been terminated by an order dated 31.01.2024.
12. A bare perusal of the said order dated 31.01.2024 reflects that the petitioner is no longer in service. Consequently, in view of the termination of service, the reliefs sought in the present writ petition for reinstatement and payment of subsistence allowance have become infructuous.
13. In the above circumstances, this Court is of the considered view that no further adjudication on the merits of suspension or subsistence allowance is warranted, as the petitioner's services have already ceased. However, in the interest of justice and in order to safeguard the rights of the petitioner, liberty is granted in favour of the petitioner to approach the competent authority for appropriate relief, if any, challenging the order of termination dated 31.01.2024, in accordance with law.
14. Accordingly, the writ petition is **disposed of as infructuous**, with the above liberty granted to the petitioner. No order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge