

WP(C) 755/2008
BEFORE
HON'BLE MR. JUSTICE RANJAN GOGOI.

Heard Mr. I. H. Laskar, learned counsel for the petitioner.
The petitioner complains of an order dated 24.8.2007 placing him under suspension with immediate effect. The aforesaid suspension is comprehended by the petitioner to be on account of the pendency of a criminal case against him. The petitioner also complains of non-payment of subsistence allowance.

A suspended employee has a right to receive subsistence allowance subject to the condition that during the period of suspension he is not gainfully employed. The authority of the Corporation, therefore, will examine the matter and pay subsistence allowance to the petitioner with effect from the date of his suspension, if the petitioner had not been otherwise gainfully employed. The above exercise will be carried out by the authority of the Corporation within two weeks from today.

Insofar as the suspension of the petitioner is concerned the Court has taken note of the allegations in the criminal case against the petitioner. On such consideration it is the view of the Court that as a period of over six months have elapsed in the meantime the authority of the Corporation should be directed to carry out a review of the necessity of keeping the petitioner under further suspension and thereafter pass appropriate orders in the matter. Necessary orders, in terms of the present direction will also be passed by the Corporation within a period of two weeks from today.

This will dispose of the writ petition.