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**Rambabu Sharma Vs. State and ors.**

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**SooperKanoon Citation** : sooperkanoon.com/766511

**Court** : Rajasthan

**Decided On :** Sep-10-1991

**Reported in** : 1991(2)WLN443

**Judge** : I.S. Israni, J.

**Appeal No.** : S.B. Civil Writ Petition No. 187 of 1990

**Appellant** : Rambabu Sharma

**Respondent** : State and ors.

**Disposition** : Petition allowed

**Judgement** :

**I.S. Israni, J.**

1. In this writ petition, it has been prayed that the petitioner is entitled to annual grade increments, during the period of suspension, which should be awarded to him.

2. It is submitted by Mr. Akhil Simlot, learned Counsel, that the petitioner was working as Lower Division Clerk (LDC), in Agriculture Department & Soil Conservation at Bikaner and was put under suspension w.e.f. September 26, 1973. It is further submitted that the matter is squarely covered by a decision of the Division Bench of this Court given in Kan Singh v. State of Rajasthan and Ors.

RLR 1989 (1) P. 111.

3. It is submitted by Mr. B.K. Sharma, learned Additional Government Advocate, that he admits this position and prays that the further prayer of the petitioner, regarding award of 16% interest, should not be allowed. There is no doubt that even during the period of suspension, which is not a punishment, the contract of service of the person suspended, continues. In fact, subsistence allowance is paid to the Government servant with a view to see that he is able to maintain himself and his family, at the minimum standard in life. In Kansingh's case (Supra), which was also a matter of the same nature, it was held that a suspended person is entitled to the annual grade increments, during the period of his suspension and the subsistence allowances should be calculated accordingly.

4. In the matter under consideration, there is no specific order passed, while suspending the petitioner, for with-holding of his annual grade increments. Therefore, he is entitled to receive the same.

5. In the result, the writ petition is allowed and respondents are directed to give the petitioner annual grade increments, during the period of his suspension. It is further directed that his subsistence allowance shall be calculated, accordingly. The arrears of amount shall be paid to him within a period of three months from the date of producing a copy of this order, before the concerned Authorities. However, I do not find any justification for awarding interest on this amount.

6. The petition is allowed, as above, with no order as to costs.

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