

**IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM &  
ARUNACHAL PRADESH)**

**WP (C) 330 (AP) 2014**

**Sri Gumnya Karbak**

S/o Late Igum Karbak

A permanent resident of Karbak Village

P.O. & P.S. Kamba

West Siang District, Arunachal Pradesh.

**.....Petitioner**

**-Versus-**

1. The State of Arunachal Pradesh represented by the Secretary, Sports and Youth Affairs, Government of Arunachal Pradesh, Itanagar, Arunachal Pradesh.
2. The Director, Sports and Youth Affairs, Government of Arunachal Pradesh, Itanagar, Arunachal Pradesh.

**.....Respondents**

Advocates for the Petitioner:

Mr. Marto Kato

Mr. Bido Sora

Mr. R. Karbi

Mr. J. Kamdak

Advocate for the Respondents:

Ms. Pubi Pangu, learned Govt. Advocate.

**BEFORE**

**HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN**

Date of hearing : 18-02-2015.

Date of Judgment & Order : 05.03.2015

**JUDGMENT & ORDER (CAV)**

Heard Mr. Marto Kato, learned counsel appearing for the petitioner. Also heard Ms. Pubi Pangu, learned Govt. Advocate appearing for the State Respondents.

**2.** The brief facts of the case, is that the petitioner, hereinbefore, was initially appointed as a District Sports Coordinator on 26.06.1995 in the erstwhile State Sports Council, now re-christened as the Directorate of Sports and Youth Affairs, Govt. of Arunachal Pradesh. Thereafter, the petitioner was appointed on deputation basis as a Sports Officer under the said Directorate of Sports and Youth Affairs, Govt. of Arunachal Pradesh on 16.12.1996 and he was absorbed permanently on 04.08.2005 with retrospective effect from 01.07.2001.

While the petitioner was serving as such, at Pasighat, East Siang District, Arunachal Pradesh; the respondent No. 1 viz. the Secretary, Sports and Youth Affairs, Government of Arunachal Pradesh, Itanagar, in exercise of the powers conferred by sub-Rule-(1) of Rule-10 of the Central Civil Services [Classification, Control and Appeal] Rules, 1965, placed the petitioner under suspension, in contemplation of a disciplinary proceeding for his alleged involvement in a Criminal Offence vide Order dated 08.12.1997 issued under Memo No. PE/4/97-98 (Pt).

Thereafter, the petitioner was acquitted from the alleged criminal charges levelled against him by the learned trial court inasmuch as that no case could be established against him.

Consequent upon, the authority concerned in exercise of the powers conferred by clause-(c) of Sub-Rule(5) of Rule-10 of the said CCS Rules, revoked the order of suspension of the petitioner with immediate effect vide order dated 24.09.1998 and he was, thereafter, posted to his original place of posting at Pasighat, East Siang District. The petitioner joined his duty at Pasighat on 29.11.1998.

**3.** The grievance of the petitioner is that though he assumed his duties on 29.11.1998, as per the revocation order, however, till date, he is yet to be paid his arrear pay & allowances, increment and all other consequential service benefits, which was to be paid to him during the period of suspension w.e.f. 21.11.1997 to

28.11.1998. Situated thus, the petitioner submitted two representations to the respondent No. 1 viz. Secretary, Sports & Youth Affairs, Government of Arunachal Pradesh, Itanagar, on 13.07.2012 and on 23.12.2013, requesting for making payment of arrear pay & allowances, increments and all other consequential service benefits, which was to be paid to him during the period of suspension w.e.f. 21.11.1997 to 28.11.1998. However, the authorities concerned are yet to consider the grievances of the petitioner, as made out by him, and he is thus suffering immensely, both on mental and financial fronts.

**4.** Mr. Kato, learned counsel for the petitioner, has contended that the period of suspension spent by the petitioner, has already been treated by the State Government as 'spent on duty' vide Order dated 26.07.2011, and as such, the denial of full salary and other consequential service benefits to the petitioner for the period under suspension w.e.f. 21.11.1997 to 28.11.1998 is wholly unjustified and as such, this writ petition has been moved by the petitioner for a direction to the authorities concerned to pay him full salary and other consequential service benefits to the petitioner for the period he went under suspension, as stated above.

**5.** Mr. Kato, learned counsel, has further contended that as the suspension of the petitioner has been revoked by the competent authority in due course of time, as such, no disciplinary inquiry is pending against him and therefore, the petitioner should be paid his full pay and other allowances for the period of suspension w.e.f. 21.11.1997 to 28.11.1998, as per his entitlement and in accordance with law.

**6.** The State Respondents No. 1 and 2 has filed the counter affidavit, in this matter, wherein, it has been stated that the petitioner Sri Gumnya Karbak, Sports Officer, Pasighat, was placed under suspension w.e.f. 21.11.1997 vide order dated 08.09.1997 in contemplation of a discipline proceeding for his alleged involvement in a criminal offence. The petitioner, the then, Sports Officer, Pasighat, was acquitted from the alleged criminal charge levelled against him by the learned Trial Court inasmuch as no case was found against him. Thereafter, the Government revoked the order of suspension vide order dated 21.09.1998 and he was accordingly posted to Pasighat, East Siang District, by specifically mentioning that the revocation will be effective from the date of his joining at Pasighat. The State

respondents have contended that after joining his duty at Pasighat, his service has been duly regularized by the State Government and the period of suspension he had undergone, was treated as spent on duty vide order No. AP/SYA-24/2000 dated 26.07.2011(Annexure-III to the counter). It has been further contended that the petitioner, above named, has been given all the dues as per his admissibility including the salary, arrear pay and allowances and all other consequential service benefits, which was not paid to him during the period of suspension.

**7.** It appears that though the State Respondents have forcefully contended in the counter affidavit that the writ petitioner has been paid all the arrear dues as per his admissibility including salary, arrear pay & allowances and all other consequential service benefits, which was not paid to him during the period of suspension, however, not a single document has been produced by the authority concerned to substantiate their claim of making any payment to the petitioner, all his dues, as claimed, in this writ petition. From a perusal of the entire counter affidavit of State Respondent No. 2, nothing goes to indicate the fact that the petitioner was actually paid any of his arrear dues, including salary, increment, etc., for the period of suspension w.e.f. 21.11.1997 to 28.11.1998.

**8.** Upon consideration of the entire aspect of the matter, this writ petition is hereby disposed of with the direction to the authorities concerned, more particularly, respondent No. 2 viz. the Director, Sports & Youth Affairs, Government of Arunachal Pradesh, Itanagar, to make necessary payment to the present petitioner, all the arrear dues as per his entitlement and admissibility, in accordance with law, including salary, increment, pay & allowances and all other consequential service benefits, for the period of suspension w.e.f. 21.11.1997 to 28.11.1998, which was not paid to him, during the said period of suspension. The aforesaid payment shall be made by the respondent authorities within a period of 1(one) month from the date of receipt of a certified copy of this order, without fail and delay.

**9.** With the above directions, this writ petition stands disposed of.

**JUDGE**

*Bibash*