



2026:CGHC:15163



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1549 of 2026

1 - Shiwa Kant Tiwari S/o Lalla Ram Tiwari, Aged About 50 Years Presently Working On The Post Of Head Constable In 5th Battalion, C.A.F. Jagdalpur, District Bastar (C.G.)

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Home (Police), Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur C.G.

2 - Director General Of Police, Chhattisgarh, Police Head Quarter Raipur, District Raipur C.G.

3 - Additional Director General Of Police, Chhattisgarh, Police Head Quarter Raipur, District Raipur C.G.

4 - Inspector General Of Police, C.A.F. Police Head Quarter Raipur, District Raipur C.G.

5 - Commandant, 5th Battalion, C.A.F. Jagdalpur, District Bastar (C.G.)

--- **Respondent(s)**

(Cause title is taken from CIS system)

For Petitioner : Mr. Sushil Dubey, Advocate

For Respondents/State : Ms. Anuja Sharma, Dy.G.A.

Hon'ble Shri Justice Parth Prateem Sahu

Order On Board

01/04/2026

1. Petitioner has filed this petition seeking following relief (s) :-



“10.1 It is therefore prayed that, this Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of the petitioner.

10.2 That, this Hon'ble Court may kindly be pleased to issue a writ/order/direction in nature of mandamus whereby to set aside/quash the impugned Orders dated 05.03.2025 issued by the Respondent Commandant 5th Battalion, C.A.F. Jagdalpur as well as the Order dated 06.08.2025 issued by the Respondent Commandant 5th Battalion, C.A.F. Jagdalpur.

10.3 That, this Hon'ble Court may kindly be pleased to issue a writ/order/direction in nature of mandamus whereby to direct to the Respondent Authorities to provide actual joining to the petitioner within a stipulated time.

10.4 That, any other relief/reliefs, which this Hon'ble Court may think fit and proper in the facts and circumstances of the case, with cost of the petition, may also please be granted to the petitioner.”

2. At the outset, learned counsel for petitioner submits that at this stage, petitioner is not pressing Relief No.10.2 and seeks liberty to challenge the same before appropriate authority. He further submits that that petitioner has been permitted to join the place of posting on suspension on 11th of March, 2026, however grievance of petitioner which still remains is reducing the subsistence allowance by 50%. He submits that as of now, petitioner is only getting 25% of salary towards subsistence allowance instead of 50% pursuant to the order Annexure P-2 dated 06.08.2025. It is contention of learned counsel for petitioner that from the order it appears that respondents have taken note of the fact that petitioner could not appear for medical examination before the authority on 19.06.2025, whereas non-appearance on the said date



was due to severe Palpitation, petitioner got admitted in Shahid Mahendra Karma Memorial Govt. Medical College & Hospital Dimrapal, Jagdalpur on 13.06.2025 and got discharged on 17.06.2025. According to medical certificate issued by the authority, petitioner was advised to take bed rest for four weeks. As petitioner was unable to attend the office, he could not place on record the relevant documents before the authority and the authority under misconception of fact that petitioner is willfully avoiding the departmental proceedings and willfully not giving his appearance at the place of posting on suspension has passed the order.

3. Learned State counsel submits that considering the facts and circumstances of the case, respondents authorities have taken a decision considering the Rule 53 of the Fundamental Rules, therefore, it cannot be said to be erroneous.
4. I have heard learned counsel for parties and perused the documents placed on record.
5. Perusal of Annexure P-2 would show that respondents authorities took note of the fact that petitioner is continuously absent from duties since 19.06.2025 and is thereby delaying the departmental enquiry proceedings to reduce the subsistence allowance of petitioner to the extent of 50%.
6. Perusal of the documents annexed in the writ petition at Page No.20 would show that petitioner has placed on record the discharge ticket of Shahid Mahendra Karma Memorial Govt. Medical College and Hospital, Dimrapal, Jagdalpur wherein petitioner has been shown to had taken inpatient treatment from 13.06.2025 to 17.06.2025.



Petitioner has also placed on record, the medical certificate issued under Form No.3 under Rule 18 for extension of leave or commutation of leave mentioning that due to nature of ailment with which petitioner is suffering, requires home rest for a period of four weeks. At the time of passing of the order, these documents may not be placed before the authority.

7. In the aforementioned facts of the case I find it appropriate to dispose of this writ petition at this stage permitting petitioner to submit fresh representation along with all supporting documents to reconsider the order dated 06.08.2025 (Annexure P-2) and if such representation is submitted, the concerned authority shall consider and take decision on the reduction of subsistence allowance to be paid to petitioner within further period of three weeks from the date of receipt of representation in objective manner, with humanitarian approach.
8. With the aforesaid observations and directions, this petition stands disposed of.

Sd/-
(Parth Prateem Sahu)
Judge

Balram