

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14415 of 2008

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Md.Mahtab Alam son of Late md. Khaluluddin, Resident of Mohalla Shekhana Kala, P.S. Biharsharif, Distirct Nalanda, at present posted and working as Senior Audit Officer, District Audit Office Co-operative Societies Hajipur, District Vaishali

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Co-operative Societies, Bihar, Patna
2. The Secretary, Co-operative Societies, Govt. of Bihar, Patna
3. The Registrar, Co-operative Societies, New Secretariat, Patna
4. The Joint Registrar, Tirhut Division, Muzaffarpur
5. The District Audit Officer, Co-operative Societies, Hazipur, district Vaishali
6. The Joint Registrar, Co-operative Societies, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md.Anisur Rahman

For the Respondent/s : Mr. Vijay Kumar Verma, AC to GA 3

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 30-04-2015

In the order of punishment of withholding of three increments yet another observation was made that for the period of suspension nothing will be paid to the petitioner till the outcome of the criminal proceeding against the petitioner.

Today, a supplementary affidavit on behalf of the petitioner has been filed annexing the judgment and order dated 30.4.2012 passed in Compliant Case No.518 (c) of 2004/ Tr No.1197 of 2012. The Court of Sub Divisional Judicial Magistrate has exonerated the petitioner of all the charges and acquitted him.

Now that the petitioner has been exonerated from the criminal charges, there is obligation upon the Registrar, Co-operative

Societies to ensure payment of salary to the petitioner for the period of suspension. The payment must accrue to the petitioner within a period of three months from the date of production of a copy of this order. So far as stoppage of increment is concerned, that was also linked with the charges brought against the petitioner. In view of his acquittal, even that punishment has to go. Annexures 4 and 6 dated 20.2.2006 and 10.6.2008 respectively are quashed.

Writ is allowed.

(Ajay Kumar Tripathi, J)

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