

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16511 of 2008

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Jaleshwar Prasad Verma, son of late Lakshmi Prasad, resident of Munshi Chapra,
Hata Tola, P S – Chakia, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, East Champaran at Motihari.
3. The Deputy Collector (Establishment), East Champaran at Motihari.
4. The Sub Divisional Officer, Chakia, At & P O – Chakia, District – East Champaran.
5. The Accountant General, Bihar, Birchand Patel Path, Patna, At & P O – Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. UMA KANT SHUKLA

Mr. Rajesh Ranjan I

Mr. Shakti Suman Kumar

For the Respondent/s : Mr. Satya Deo Kumar, SC 5

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 02-07-2015

None of the other punishments require interference in view
of a clear and categorical finding after due enquiry of the petitioner
being involved in defalcation of public money by virtue of being a
Nazir.

However, submission of the counsel is that no notice or
procedure was adopted in terms of Rule 97(3) of the Bihar Service
Code before imposition of punishment for non-payment of salary
except subsistence allowance for the period of suspension.

Thus, the punishment order does require interference and it
stands quashed.

Let the petitioner be paid his rightful salary for the period of suspension minus the subsistence allowance.

The Court would not like to remand the matter as the petitioner has retired years ago.

Writ application is allowed to the extent indicated above.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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