

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6909 of 2014

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Krishna Chandra Prasad, Son of Sri Baue Lal Mahto, Residing of Village
and Po - Sajhuar, PS - Bahera, District - Darbhanga

.... Petitioner/s

Versus

1. The Bihar State Power Holding Company Limited through Its Chief
Managing Director, Vidyut Bhawan, Bailey Road, Patna

2. The Secretary, Bihar State Power Holding Company Limited, Vidyut
Bhawan, Bailey Road, Patna

3. The Deputy General Manager (HR and Administrative), Bihar State
Power Holding Company Limited, Vidyut Bhawan, Bailey Road, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bajarangi Lal, Advocate.

For the Respondent/s : Mr. Binod Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 11-02-2015

Heard learned counsel for the parties.

2. Having regard to the fact that this writ application was
filed only against an order of suspension and during the pendency of
this writ application the suspension has now been vacated, but only
after completing the departmental proceeding and inflicting certain
punishment including withholding of three increments on cumulative
basis as well as also withholding payment of salary beyond the amount
of subsistence allowance, learned counsel for the petitioner seeks
permission to withdraw this writ application in order to enable the
petitioner to file an appeal against the order of punishment.

3. Learned counsel for the petitioner has also submitted that
since the petitioner was entitled to at least get a higher amount of
subsistence allowance, in view of the decision of the respondent

authorities, which requires them to enhance the amount of subsistence allowance from 50% to 75%, but such enhancement was not made despite repeated demands by the petitioner, he may at least be allowed to raise this issue also in the appeal so that the petitioner's grievance to the extent of quantum of subsistence allowance also gets adjudicated by the appellate authority.

4. This Court would find no difficulty in giving such permission to the petitioner because even if the order of punishment of withholding of salary beyond the subsistence allowance has been passed, the petitioner will be still entitled for payment of actual payable subsistence allowance as may be determined by the authorities in accordance with law. That being so, the question of quantum of subsistence allowance, if raised by the petitioner before the appellate authority while assailing the impugned order of punishment, shall also be separately gone into by the appellate authority while disposing of his appeal.

5. Subject to the aforementioned observation and liberty, this writ application is permitted to the withdrawn.

(Mihir Kumar Jha, J)

Sujit/-

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