

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11973 of 2013

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S.M.Inam Ahmad Son of Late S.M. Nisar Ahmad, resident of Nawab Nagar, Opposite Vijay Petrol Pump, P.O. Nawadah, P.S. Nawadah, District-Nawadah (Bihar).

.... Petitioner/s

Versus

1. Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna, through its Chairman
2. The Chairman, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
3. The Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
4. The Joint Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
5. Director (Administration) Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Wasi Ahmed Khan, Adv.

For the BSEB : Mr. Ranjit Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 09-01-2015 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is challenging the order dated 20th December 2012 (Annexure-1) by which it has been mentioned that the petitioner is not entitled to beyond the subsistence allowance for the period from 26th August 2003 to 12th August 2005.

As it appears that a departmental proceeding was initiated against the petitioner, he was awarded the punishment of stoppage of one annual increment with non-cumulative effect, debarred from promotion for one year from the due date and is not entitled to any payment beyond the subsistence allowance that was challenged before

this Court in CWJC No. 175 of 2010 where the Court has remanded back the matter for fresh consideration with respect to only payment of salary for the period of suspension as it was found that the Board did not follow the provisions of Rule 97 (3) of the Bihar Service Code. On remand, the Director (Administration) examined the matter and held that the petitioner is not entitled to any payment beyond the subsistence allowance.

The counsel for the Board has drawn attention of this Court to the order passed by this Court in the aforesaid writ application where the Court has given liberty, if the order is passed against the petitioner, he will have right to file appeal. Admittedly, in the present case, no appeal has been filed.

In this view of the matter, this Court is not inclined to entertain this application and the same is disposed of with the liberty to the petitioner to file an appeal before the appropriate authority within 45 days from to-days. If such appeal is filed, the Appellate Authority will examine the case of the petitioner and also take into consideration the observation given by this Court in CWJC No. 175 of 2010.

(Shivaji Pandey, J)

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