

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13392 of 2014

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Dr. Md. Afaque, Son of Late Haji Abdur Rauf, R/o Bhairoll Lane, At and
P.O.- Champa Nagar, P.S.- Nath Nagar, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Health, Govt. of Bihar, New Secretariat, Patna
3. The Director of Health, Desi Chikitsa, New Secretariat, Patna
4. The Joint Secretary, Department of Health (Desi Chekitasa), Govt. of Bihar, New Secretariat, Patna
5. District Magistrate, Munger
6. Incharge Zila Desi Chikitsa Padadhikari, Munger
7. Zila Desi Chikitsa Padadhikari, Munger

.... Respondent/s

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Appearance :

For the Petitioner/s : Md. Aslam Ansari, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 23-07-2015 Having regard to the fact that the petitioner in this writ application has prayed for the following relief:

"1.(A) For issuance of an appropriate writ or order or direction commanding the respondent by way of quashing Memo No. 16/T.I.01/214 dated 25.02.2014 issued under the signature of Joint Secretary Department Govt. of Bihar (respondent no.-1) as contained in Annexure-1 to this writ application whereby and whereunder the petitioner has been placed under suspension under Rule 99 of the Bihar Service Code and Rule 9(2)(A) and (B) of the Bihar Govt. Servant (Classification, Control & Appeal) Act 2005.

(B) For issuance of an appropriate writ or order direction commanding the respondent to accept the joining letter of the petitioner dated 11.6.14 to this original place of posting after vacate the suspension order dated 25.4.2014.

(D) A writ in the nature of mandamus commanding and directing the respondent to pay salary of one month (i.e. on 1.1.14 to 30.1.14) and thereafter subsistence allowance which has not been paid to the petitioner.",

this Court would find that the writ application to have become infructuous on account of his being dismissed from service on

29.09.2014.

2. As with regard to his grievance for payment of salary for the period 01.01.2014 to 30.01.2014, the respondents will be required to look into the aspect as to whether the petitioner had worked with the aforementioned period and if there is proof of working of the petitioner such payment of salary should be paid to him.

3. As with regard to remaining grievance of the petitioner for payment of subsistence allowance for the period of suspension, this Court would only say that if the petitioner had remained present in the headquarters fixed under the order of suspension and his subsistence allowance has not been paid, his payment of subsistence allowance should be also made by the authorities after making due enquiry. This exercise however must be completed within a period of three months from the date of receipt of a copy of this order.

4. With the aforementioned observation and direction, this writ application is disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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