

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15659 of 2008

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Hari Narayan Prasad, son of late Jagarnath Prasad, resident of village – Dubwaliya,
Lala Tola, P.S. Ramgarhwa, District – East Champaran at Motihari

.... Petitioner/s

Versus

1. The State of Bihar.
2. Secretary cum Commissioner, Irrigation Department, Government of Bihar,
Sinchai Bhawan, Patna.
3. Special Secretary, Irrigation Department, Government of Bihar, Sinchai
Bhawan, Patna.
4. Deputy Secretary, Irrigation Department, Government of Bihar, Sinchai
Bhawan, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. NARESH CHANDRA VERMA

For the Respondent/s : Mr. Devendra Kumar Sinha, (AAG2)
Mr. Pramod Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 07-05-2015

The thrust of the argument with regard to the order of punishment, contained in Anneuxre-6, dated 13th February, 2001 as well as the rejection of the appeal by the appellate authority, contained in Anneuxre-11, is against one of the punishment which is withholding of salary for the period of suspension except for subsistence allowance.

2. Law is well laid out in this regard and is still holding the field right from the year 1988 and 2003. The relevant judgments are **Pramod Kumar Vs. Champaran Kshetriya Gramin Bank, 2003 (4) PLJR 68** as well as **Mahabir Prasad Vs. State of Bihar, 1988 PLJR 82.**

3. If the procedure indicated in Rule 97(3) of Bihar Service Code has not been followed, the order of punishment of withholding salary for the period of suspension is required to be quashed.

4. Writ application is allowed to the limited question indicated above.

The order of rejection in appeal, therefore, also will be limited to the other punishment and not withholding of salary.

5. Respondents will ensure payment to the petitioner now of the withheld amount within a period of three months from the date of production or communication of a copy of this order

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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