

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18021 of 2008

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Arbindji, son of Chandra Shekhar Tiwari, deceased, permanent resident of village – Sherpur, P.O. – Muzaffarpur, P.S. – Sadar, Muzaffarpur, District – Muzaffarpur and at present resident of village – Dighi Kalan, East Tola, P.O. – Dighikalan, P.S. – Hajipur Sadar, District – Vaishali and posted as Adhinayak Lipik, Bihar Home-guard at Gaya

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Home (Special) Government of Bihar, Old Secretariat, Patna
2. Direction General, Home guard, Bihar, Patna
3. Additional Commandant General, Home guard, Bihar, Patna
4. Deputy Commandant General, Home Guard, Bihar
5. Commandant, Home Guard, Bihar, Central Training Institute, Bihta, District – Patna
6. Commandant, Home Guard, Patna
7. Shri Ramjag Ram, Commandant, Home Guard, Patna
8. District Commandant, Home Guard, Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. BIRESHWAR PRASAD SINHA
Mr. V.R.P.Singh
For the Respondent/s : Mr. (AAG6)

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 19-05-2015

19.05.2015

Heard learned counsel for the parties.

After having perused the materials on record, the Court is not satisfied that any interference is warranted with the order of punishment of imposing one black-mark against the petitioner. The circumstances are one to many to support the decision, contained in Annexure-3.

However, in absence of any material to show that Rule 97 (3) of the Bihar Service Code was followed with regard to imposition of the second punishment of

withholding the salary except for subsistence allowance during the period of suspension may be required to be interfered with. That order is set aside. It is left open to the respondents to decide if they would like to pass such an order after following the procedure in this regard and allowed the matter to rest at that.

Writ application stands disposed off with observation / direction as above.

(Ajay Kumar Tripathi, J.)

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