

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2416 of 2015

1. Satyendra Kumar Singh S/o Late Ajgaibi Singh resident of village - Aami, P.S. Dighwara, District - Saran at Present Prakhand Panchayat Raj officer, Punpun, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna
2. The Principal Secretary Panchayat Raj Department, Old Secretariat, Patna
3. The Secretary Panchayat Raj Department, Old Secretariat, Patna
4. The officer on Special Duty, Panchayat Raj Department Bihar, Patna
5. The District Magistrate, Patna
6. The Additional Collector Department Enquiry, Patna
7. The Sub-Divisional Officer, Masaurhi, Patna
8. The Block Development officer, Punpun, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Rana Sanjay Kumar Singh
For the Respondent/s : Mr. Vivek Anand Amritesh, AC to GP-21

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 30-04-2015

30.04.2015

Heard learned counsel for the parties.

Counsel for the petitioner is correct in taking a stand in view of the settled law in the case of **Pramod Kumar Vrs. The Champaran Kshetriya Gramin Bank & Ors, as reported in 2003 (4) P.L.J.R. 68** as well as the principle earlier laid down in the case of **Mahabir Prasad Vrs. State of Bihar, reported in 1988 P.L.J.R. 82** that without following the procedure laid down in rule 97(3) of the Bihar Service Code, punishment of withholding the salary for the period of suspension cannot be passed.

To that extent the order of punishment of

withholding salary except subsistence allowance, contained in Annexure-6, as also affirmed by the appellate authority, Annexure-10 is hereby quashed. If the respondents are interested, they can take recourse to the procedure laid down in rule 97 of the Bihar Service Code.

No interference with the other punishment of censor is required to be made in the given facts and circumstances.

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

(Ajay Kumar Tripathi, J.)

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