

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 12177 of 2007

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Md. Kasim, Son of Sk. Kafiluddin, Resident of Damka, P.O.-
Mohankunda, P.S.-Sadar, District-Purnea.

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr.Shashi S.Kishore, Adv.
Mr. Shivpujan Sahay, Adv.

For the Respondent/s: Mr. (AAG 3)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

02. 21.01.2015

It has been submitted on behalf of the Petitioner that he has no instructions in the matter with regard to the departmental proceeding as against him. The prayer was to quash the order dated 11.06.2007 by which the ADM, Katihar had initiated a departmental proceeding and issued a second Show-cause to him. The further prayer was for consideration of subsistence allowance of his suspension period.

The Counter-Affidavit has been filed on behalf of the Respondents 2 to 6 wherein it has been mentioned that the Petitioner was put under suspension on 06.11.2006 on very serious charges against which the Petitioner had moved before this Court and a direction was issued by order dated 19.12.2006 to conclude the departmental proceeding. In order to comply with the order the Inquiry Officer completed the inquiry and

submitted his report and four charges were levelled against him. Against this the Petitioner was issued a second Show-cause on 21.08.2007 but the Petitioner continuously refused to answer the show-cause.

As for the grievance of the Petitioner that he had not been paid the subsistence allowance, it was submitted by the Circle Officer that from the absentee statement of the Petitioner during the period of suspension it was found that the Petitioner had not joined the Office and, hence, he was not given subsistence allowance.

In view of such specific averment in the Counter-Affidavit, I see no merit in the application. The same is dismissed.

(Anjana Prakash, J.)

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