

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.473 of 2015

In
Civil Writ Jurisdiction Case No. 6628 of 2014

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Gauri Shankar Vidyarthi, Son of Late Nand Kishor Prasad, resident of village- Itimha , P.O. - Karma, P.S. - Nasariganj, District- Rohtas (Sasaram)

.... Petitioner/s

Versus

1. The State of Bihar through Anjani Kumar Singh, the Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Sri Prabhakar Jha , Kaimur, (Bhabhua)
3. Sri Khursid Anwar Siddqui, the Sub - Divisional Officer, Mohaniya, District - Kaimur (Bhabhua).
4. Sri Madan Prasad, the Deputy Development Commissioner, District Kaimur (Bhabhua)
5. Sri Ravindra Kumar, the Senior Deputy Collector (Establishment), District Kaimur (Bhabhua).
6. Sri Satya Prakash Narayan, the Treasury Officer, District - Kaimur (Bhabhua).
7. Sri Santosh Kumar Singh, the Block Development Officer, Adhaora, District - Kaimur (Bhabhua).
8. Sri Aabir Hasan, the Block Development Officer, Ramgarh Block, District Kaimur (Bhabhua).
9. Sri Binod Kumar Prasad, The Block Development Officer, Nuwan Block, District - Kaimur (Bhabhua).
10. Sri Sanjay Kumar, the District Certificate Officer, District Kaimur (Bhabhua).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Mishra

For the Opposite Party/s : Mr. Lalan Kumar, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 01-07-2015 Heard the parties.

In the present MJC application filed under Article 215 of the Constitution of India read with Section 12 of the Contempt of Courts Act, the petitioner has raised a grievance that the order dated 28.08.2014 passed in CWJC No.6628 of 2014 has not been complied with.

A show cause has been filed on behalf of the opposite



party nos.2 and 8 stating therein that the aforesaid order of this Court has already been complied with and now by the order dated 08.05.2015 (Annexure-B to the show cause) passed by the District Collector, Kaimur at Bhabhua (O.P.No.2), the petitioner has been visited with a punishment of dismissal from service on the basis of the findings recorded in the departmental proceeding initiated against him. However, in the aforesaid show cause, it has been stated in paragraph no.6 that the subsistence allowance for some period prior to the date of passing of the order of dismissal from service has not been paid to him.

When the matter was taken up today for consideration on merits, a reply affidavit on behalf of the petitioner to the aforesaid show cause has been filed and in paragraph no.7 of the aforesaid reply affidavit it has been stated that the subsistence allowance for the period from 18.11.2013 to 09.09.2014 and again from February, 2015 to 08.05.2015 has not been paid to the petitioner despite the order and direction issued by this Court.

After having heard the parties and taking into consideration the fact that on the basis of the findings recorded in the departmental proceeding the petitioner has been dismissed from service by the order dated 08.05.2015 (Annexure-B to the show cause), the present MJC application is disposed of with a direction to the District Collector, Kaimur at Bhabhua as also the Block Development Officer, Ramgarh, District- Kaimur at Bhabhua to pay the subsistence allowance to the petitioner for the remaining periods prior to the date of passing of the order of dismissal from service, within a maximum period of four weeks from today.

It is clarified that the petitioner shall be at liberty to

assail the validity and correctness of the order of dismissal from service in an appropriate proceeding before an appropriate forum/court, raising all the issues of facts and law, which may be available to him.

(Birendra Prasad Verma, J)

Arvind/-

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