

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15248 of 2013

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1. Jhotil Sah Son Of Late Hira Sah Resident Of Village- Bilaspur, P.O. Hari Nagar,
Police Station- Ram Nagar, Dstrict- West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Panchayati Raj Department,
Govt. Of Bihar, Patna
2. The Director, Panchayati Raj, Bihar, Patna
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur
4. The District Magistrate, West Champaran At Bettiah
5. The District Treasury Officer, West Champaran At Bettiah
6. The Sub-Divisional Officer, Narkatiaganj, District- West Champaran
7. The Block Development Officer, Mainatand, District- West Champaran
8. The Block Development Officer, Lauria, District- West Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. B. N. Mishra, Advocate.
Mr. S.N. Rai, Advocate.

For the State : Mr. Dhurjati Kumar Prasad, SC 14

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-12-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

In the present writ petition, grievance has been raised by
the petitioner with regard to payment of subsistence allowance
for the period from 21.11.2004 to 31.1.2005 which learned
counsel for the petitioner himself has stated that the same has
been paid which is clear from Annexure-E to the counter
affidavit. The only dispute is with regard to payment of
subsistence allowances for the period from 1.6.2005 to



31.3.2006 treating himself to be active in service. The order dated 11.3.2006 (Annexure 1) shows that on the day the order of punishment of censor was passed, the order of suspension was withdrawn but Annexure-E reflects that the payment of subsistence allowance does not include the period after 31.1.2005 and petitioner has remained under suspension till 11.3.2006 and as such petitioner is entitled for subsistence allowance for the aforesaid period.

The order of punishment shows, petitioner will not be entitled more than subsistence allowance subject to the order of Appellate Authority. The petitioner claims that he has already filed application before the Commissioner. In the supplementary counter affidavit it has been disputed, the existence of the said application and submits that there is no material available on record to show of such filing. If the petitioner would show any material with regard to proof of filing of such application the same will be treated to be memo of appeal and the Commissioner Tirhut Division, Muzaffarpur will take decision in accordance with law. If such an application has not been filed then the Commissioner will not be obliged to take decision.



With the aforesaid observation this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.12.2016
Transmission Date	NA

