

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12132 of 2007

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Khantar Yadav @ Khantar Prasad Yadav, son of late Sudin Prasad Yadav,
resident of Village- Sriram Pur, P.O.- Champa Nagar, P.S.- Nath Nagar,
District- Bhagalpur. Petitioner.

Versus

1. Bihar State Electricity Board, through its Chairman, Vidyut Bhawan,
Bailey Road, Patna.
 2. The Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey
Road, Patna.
 3. The Joint Secretary, Bihar State Electricity Board, Patna
 4. General Manager –cum – Chief Engineer, Bhagalpur Area Electricity
Board, Bhagalpur.
 5. The Electrical Executive Engineer, Electric Supply Division, Bhagalpur.
.... Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Naresh Dass, Advocate

For the Respondent/s : Mr. Vijay Kuamr Verma, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

4 09-02-2016 Heard learned counsel for the petitioner and
respondents.

The petitioner seeks quashing of the order dated
01.04.1997 passed by the Joint Secretary, Bihar State Electricity
Board by which it was held that the petitioner would be treated as
suspended for the period he has remained in jail custody
(14.04.1981 to 16.07.1981 and from 30.04.1987 to 31.05.1992)
and he would get only 50% of his pay.

The facts of the case in short is that the petitioner was
made accused in Nath Nagar P.S. Case No. 77 of 1974 for the
offence under Sections 302/34 of the Indian Penal Code. In the

meantime, the petitioner remained in custody from 14.04.1981 to 16.07.1981 and from 30.04.1987 to 31.05.1992. Subsequent to acquittal of the petitioner from the charges, the department held that the petitioner would be entitled to only 50% of the salary for the period he was in judicial custody.

I do not find any infirmity in the order. It is not the case of the petitioner that the criminal case was instituted at the behest of the department and for that matter he was sent to judicial custody, rather it was a private complaint.

It goes without saying that the admissible dues of the petitioner should be paid forth with, if the same has not been paid.

This application stands disposed of.

(Samarendra Pratap Singh, J.)

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