

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19646 of 2015

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1. Subodh Kumar Singh S/o Sri Satya Narain Singh, Resident of Village - Nayar, P.S. - Tajpur, District - Samastipur at present posted as Assistant Teacher at Middle School Paigambarpur, Block - Sakra, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
3. The Collector, Muzaffarpur.
4. The District Education Officer, Muzaffarpur.
5. The District Programme Officer, Establishment.
6. The Block Education Officer (B.E.O.), Sakra, District - Muzaffarpur.
7. The Drawing and Disbursing Officer (D.D.O.), Cum Head Master, Middle School Sarmastpur, Sakra - Block, District - Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madan Prasad Singh No-2

For the Respondent/s : Mr. Satyendra Rai, AC to SC 30

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 29-04-2016

Petitioner was put under suspension and even sent to jail on the basis of an FIR lodged against him. While he was in custody naturally he was under suspension but now that suspension order has been revoked. There are serious allegations against him of misappropriation of funds under various schemes of the school for which a departmental proceeding has also been contemplated but is yet to start.

If the respondents have already revoked the suspension order of the petitioner then the court fails to understand that merely

because there is a contemplated departmental proceeding against the petitioner that can form the basis for withholding the salary of the petitioner. If that is allowed it may amount to imposition of a kind of punishment in anticipation of the outcome of the departmental enquiry.

In absence of any cogent explanation offered on behalf of the respondent authorities, the Court will direct the District Programme Officer (Establishment) to proceed against the petitioner departmentally but that will not come in the way of the petitioner being paid his regular salary after the revocation of his suspension. The outcome of the departmental enquiry and the finding, which may emerge, may lead to imposition of suitable punishment, if the occasion arises. But at this juncture, this Court finds no justification in allowing the respondents to withhold the salary of the petitioner.

Writ application is allowed. Let salary be paid to the petitioner from the date the suspension was revoked and the joining of the petitioner accepted.

(Ajay Kumar Tripathi, J)

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