

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10436 of 2015

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Khoshichandra Ram, son of late Hira Lal Das, resident of Jogack, P.O. + Police Station- Kauwakol, District Nawada, retired while working as Panchayat Secretary, Gram Panchayat Raj Rasalpur and Meskaur, Block-Meskaur, District Nawada.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The District Magistrate, Nawada.
3. The Deputy Development Commissioner, Nawada
4. The District Treasury Officer, Nawada
5. The Block Development Officer, Meskaur, District Nawada.
6. The Block Development Officer Kashichak, District Nawada.
7. The Accountant General, Bihar Beerchand Patel Marge, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Uday Kumar Mishra, Advocate
For the State : Mr. Jay Prakash Sharma, AC to G.P. 21

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

7 23-09-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The writ application has been filed for payment of salary for the suspension period from 16.8.2012 to 12.6.2013, arrears of salary for the month of July, 2012 and also for payment of pension.

It is evident in the counter affidavits filed that a departmental proceeding had been initiated against the petitioner and the same has been disposed of by order dated 12.9.2016 passed by the District Magistrate, Nawadah in which it has been held that the charges against the petitioner have been partly proved and therefore he would be entitled during the period of suspension only to the subsistence allowance.

In view of the aforesaid order, the claim of the petitioner for payment of salary for the suspension period is not sustainable. In any view of the matter, the present writ application has been filed under the subject heading of 'Post Retiral Benefits' and no such relief would be granted with respect to the matter which relates to either Salary or Departmental Proceedings.

It is stated in the last supplementary counter affidavit filed that the steps are being taken to ensure that the PPO and GPO of the petitioner are issued by sending the documents to the Accountant General, Bihar.

The writ application is, accordingly, dismissed with liberty to the petitioner to challenge the order passed in the departmental proceeding in appropriate proceedings, including another writ application, if so advised.

(Ramesh Kumar Datta, J)

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