

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4207 of 2017

Mrinal Kant Chanda Son of Late Chandrama Prasad resident of Mohalla
Shital Tola Ara, Police Station Town Thana Ara, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Planning and Development Department, Bihar, Patna.
2. The Director, Economic and Statistics Directorate, Planning and Development Department, Bihar, Patna.
3. The Sr. Joint Director (Administration), Economic and Statistics Directorate, Planning and Development Department, Bihar, Patna.
4. The District Magistrate, Rohtas at Sasaram.
5. The Additional Collector (Departmental Inquiry) Rohtas, Sasaram.
6. The District Statistics Officer, Rohtas at Sasaram.
7. District Manager, State Food Corporation, Rohtas at Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Mushtaque Alam
For the Respondent/s : Mr. ANJANI KUMAR- AAG4

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 12-09-2017 Heard learned counsel for the parties.

The petitioner has two grievances. Firstly, he is aggrieved by an order, dated 22.0.5.2015, issued by the Director, Economic and Statistics Directorate, Planning and Development Department, Government of Bihar, whereby he has been put under suspension in exercise of power under Rule 9 (1) (a) of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005. His second grievance is that he is not getting subsistence allowance in accordance with the provisions of Bihar Service Code inasmuch as subsistence allowance has



not been enhanced after the petitioner remained under suspension for a year.

Learned counsel for the petitioner has also informed this Court that in the departmental enquiry, enquiry officer has already submitted his report, whereafter the petitioner was asked to submit his comment on the said report, which the petitioner has already done through letter dated 31.01.2017, which has been brought on record by way of Annexure-5 to this application.

In the facts and circumstances of the case, I direct Respondent Nos. 2 and 3 to ensure that the final decision is taken and the departmental enquiry is concluded within two months from the date of receipt/production of a copy of this order since the enquiry report has already been submitted and the petitioner has also filed his reply to the second show cause notice. The Respondent Nos. 2 and 3 are further directed to ensure payment of subsistence allowance as per the entitlement of the petitioner, in accordance with the statutory provisions within the same period of two months. Needless to say that if the petitioner stands exonerated in departmental proceeding or the disciplinary authority decides to impose minor penalty, payment of salary to the petitioner for the said period shall be



considered.

This application stands disposed of accordingly.

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(Chakradhari Sharan Singh, J)

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