

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9982 of 2017

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1. Sunil Kumar, Son of Late Hari Prasad, resident of 501 Parvati Palace, Sidharth Nagar, Jagdeo Path, Police Station Rupaspur, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department, of Road Construction Department, Government of Bihar, Vishweshariya Bhawan, Bailey Road Patna.
2. The Engineer-in-Chief, Road Construction Department, Vishweshariya Bhawan, Bailey Road, Patna.
3. The Deputy Secretary Vigilance, Road Construction Department, Vishweshariya Bhawan, Bailey Road, Patna.
4. The Deputy Secretary Incharge Section-3, Road Construction Department, Vishweshariya Bhawan, Bailey Road, Patna.
5. The Under Secretary Accounts, Road Construction Department, Vishweshariya Bhawan, Bailey Road, patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rupak Kumar

For the Respondent/s : Mr. SYED IQWAL AHMAD-SC20

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date: 05-09-2017

Heard both sides.

The petitioner has filed this petition for quashing the Order No. 27 dated 21.02.2014 (Annexure-P1) of suspension and direction for enhancement of subsistence allowance from 21.02.2015, as the petitioner has already remained under suspension for more than one year from the date of suspension and, therefore, he is entitled to get 75% of subsistence allowance after one year from the date of his suspension.

Shri Rupak Kumar, learned counsel for the petitioner submits that the suspension of the petitioner has already been revoked and the departmental proceeding is going on but, 75% of subsistence allowance after the period of one



year of his suspension is not being paid.

It appears that there is a provision that if the departmental proceeding is not concluded within one year from the date of suspension of the petitioner, the proceedee shall be entitled to get 75% of his salary as subsistence allowance. The petitioner was put under suspension on 21.02.2014 but, suspension was revoked on 04.08.2017. Therefore, the petitioner is entitled to get enhanced subsistence allowance of 75% of his salary from 21.02.2015.

In this view of the fact, I am disposing of this writ petition with a direction to the respondents to pay the enhanced subsistence allowance i.e. 75% of the salary of the petitioner from 21.02.2015 till the revocation of suspension.

With this observation, the writ petition is disposed of.

(Prabhat Kumar Jha, J)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.09.2017
Transmission Date	NA

