

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7670 of 2016

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1. Md. Liyakat Ali Mansoori son of late Abdul Sattar, resident of village- Mayki,
p.s.- Garkha, District- Saran at Chapra (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Director Primary Education, Bihar, Patna.
3. The District Education Officer, Saran at Chapra.
4. The District Programme Officer, Saran at Chapra.
5. The Block Education Extension Officer, Garkha, Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Respondent/s : Mr. Indradeo Prasad, S.C.27

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 14-02-2017

Heard Mr. Manoj Kumar learned counsel for the petitioner and
Mr. Indradeo Prasad, S.C. 27 for the State.

The petitioner, an Incharge Headmaster of Upgraded Middle School, Jagarnathpur, has questioned the order of suspension dated 6.12.2012 bearing Memo No.2115 issued by the District Programme Officer, Saran at Chapra. The order of suspension has been questioned before this Court after a lapse of four years and it is on query made by this Court that a supplementary counter affidavit is filed informing the service of a charge memo on the petitioner on 9.12.2016. Meaning thereby, the disciplinary proceeding has been initiated.

It is stated at the bar by Mr. Manoj Kumar that whatsoever steps that have been taken by the respondents is after the order passed



by this Court. He also informs that the petitioner has since superannuated on 31.1.2017. In other words, the order of suspension has become non est by the superannuation of the petitioner on 31.1.2017. The grievance now being raised by Mr. Manoj Kumar is that for all the four years under suspension, the petitioner has not been paid the subsistence allowance.

In the circumstances where the petitioner has superannuated, without expressing any opinion on the merits of the claim, I deem it proper to dispose of the writ petition with a direction to the District Programme Officer, the respondent No.4 to consider the grievance of the petitioner regarding non- payment of the subsistence allowance for the period under suspension and dispose of the same within a maximum period of six weeks from the date of filing of a representation by the petitioner together with a copy of the order. It goes without saying that a decision in favour of the petitioner should also accompany payment thereof within the same period. However in case the decision goes against the petitioner it should be disposed of by speaking order.

Bibhash/-

(Jyoti Saran, J)

AFR/NAFR	NAFR
CAV DATE	NA
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