

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2939 of 2017

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Hariom Kumar aged about 26 years, S/o Chhtrabali Paswan, Resident of Village-Harna, P.O.- Injore, P.S.- Rampur- Chouram, District- Arwal.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Home Department, Government of Bihar, Patna.
2. The Director General of Police-cum- I.G. of Police, Bihar, Patna.
3. The D.I.G. of Police, W.Champaran, Range.
4. The S.P of Bagaha, (W. Champaran).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Jha, Adv.

For the Respondent/s : Mr. Saroj Kumar, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 25-08-2017

Heard Mr. Ranjit Jha, learned counsel appearing for the
Petitioner and Mr. Saroj Kumar, learned Assisting Counsel to
Additional Advocate General No.3 for the State.

The limited grievance raised by the petitioner in this writ
petition is that although he remained under suspension vide order
passed on 3.12.2015 but he is not being paid his subsistence
allowance.

The right of a delinquent to receive subsistence allowance
during the suspension period stands recognized under rule 10 of the
Bihar Government Servants (Classification, Control and Appeal)
Rules, 2005 (hereinafter referred to as 'the Disciplinary Rules') and
normally cannot be denied unless the Disciplinary Authority has



valid reasons for such action.

Be that as it may, considering that a period of more than two years has passed with the petitioner remaining on suspension, in view of the stipulations present under rule 10 of ‘the Disciplinary Rules’, I deem it proper to dispose of the writ petition with a direction to the Superintendent of Police, Bagaha to consider the grievance of the petitioner regarding non-payment of his subsistence allowance payable from the date of suspension and dispose of the same within a period of four weeks from the date of receipt/production of a copy of this judgment.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31-08-2017
Transmission Date	NA

