

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9640 of 2017

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1. Ram Dhani Singh, aged about 70 years, son of Late Ramdeo Singh, resident of Village Rustampur, Police Station- Hulasganj, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, having his office in Vikas Bhawan, Police Station Sachivalaya, District- Patna.
2. The Deputy Secretary, Urban Development and Housing Department, having his office in Vikas Bhawan, Police Station Sachivalaya, District- Patna.
3. The Chairman-cum-Managing Director, Bihar State Housing Board, having his office in 6 Mangles Road, Police Station Sachivalaya, District- Patna.
4. The Secretary, Bihar State Housing Board having his office in 6 Mangles Road, Police Station Sachivalaya, District- Patna.
5. The Executive Engineer, Bihar State Housing Board, Division No.3, having his office in Bhoot Nath Ashram, Bahadurpur, Police Station Agamkuan, District- Patna.
6. The Executive Engineer, Bihar State Housing Board, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rupak Kumar

For the Respondent/s : Mr. Subhash Pd. Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 16-11-2017 Heard both sides.

The learned counsel for the Housing Board filed counter-affidavit without stamp. Let the same is accepted.

The petitioner has filed this writ petition for a direction to the respondents to pay the salary minus subsistence allowance to the petitioner from 22.07.1987 to 27.08.1990 during which the petitioner was put under suspension.

The learned counsel for the petitioner submits that the



petitioner was put under suspension on 22.07.1987 as contained in Memo No.1978 and his suspension was revoked w.e.f. 13.08.1990, Annexure-2 vide order dated 27.08.1990 as contained in Memo No.2465. The petitioner earlier filed CWJC No.323 of 2009 for a direction to pay the post retiral benefit to the petitioner and the same was allowed vide order dated 27.10.2016. Even after retirement, the payment of salary minus subsistence allowance of the petitioner was not paid although, the petitioner was not inflicted with any punishment and no order was passed with regard to payment of salary minus subsistence allowance during the period for which the petitioner remained under suspension, on such, the learned counsel for the Housing Board submits that the salary minus subsistence allowance is likely to be paid within two weeks.

Accordingly on the basis of the undertaking given by the learned counsel for the respondents, this writ petition is disposed of with a direction to the Housing Board to pay the salary of the petitioner minus subsistence allowance during the period of his suspension within two weeks from the date of receipt of this order.

The writ petition stands disposed of accordingly.

(Prabhat Kumar Jha, J)

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