

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2067 of 2017

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Prem Kumar, Son of Late Babu Bhagwan Prasad, Resident of Village-
Paiga, Police Station- Bheddi, District- Saran (Chapra).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home (Police) Department, Bihar, Patna.
2. The Principal Secretary, Home (Police) Department, Bihar, Patna.
3. The Inspector General, Prisons, Bihar, Patna.
4. The Deputy Secretary, Home (Special), Department, Government of Bihar, Patna.
5. The Joint Secretary-cum-Director, (Administration), Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi

For the Respondent/s : Mr. Md. Nadeem Seraj Gp-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-03-2018 The petitioner herein has challenged the order dated 19.5.2016 issued by the respondent no.5 by which a decision has been taken not to pay any amount, except the subsistence allowance.

The short facts of the case are that a departmental proceeding was initiated against the petitioner herein which culminated into the order of punishment dated 14.10.2015 by which the petitioner was dismissed from service. The said order dated 14.10.2015 was assailed by the petitioner before this Court in CWJC No.10664 of 2016 and this Court by an order dated 19.4.2017 was pleased to allow the said writ petition and quash the



order of punishment dated 14.10.2015. It appears that thereafter the respondents have passed the impugned order dated 19.5.2016 and 24.8.2016 whereby and whereunder a decision has been taken not to pay any amount except the subsistence allowance for the period the petitioner remained suspended.

The learned counsel for the petitioner has brought on record a resolution of the State Government dated 11.12.2017 whereby and whereunder the order of punishment dated 14.10.2015 has been cancelled/ withdrawn and it has been directed that the period of suspension shall be treated as service period.

The learned counsel for the petitioner submits that in view of the aforesaid resolution of the Government dated 11.12.2017, the impugned order dated 19.5.2016 and 24.8.2016 do not survive.

The learned counsel for the respondents admits that by the aforesaid resolution of the Government dated 11.12.2017, the order of punishment has been cancelled and it has been directed that the suspension period of the petitioner shall be treated as service period.

Having regard to the facts and circumstances of the case and after hearing the learned counsel for the parties, I deem it fit and proper to quash the order contained in Memo No. 5194



dated 24.8.2916.

The writ petition is disposed of.

(Mohit Kumar Shah, J)

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