

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 1791 of 2015

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Shashi Kant Upadhyay, aged about 58 years, Son of Sri Harihar Upadhyay Resident
of vill-Surajpura, P.S-Ramgarh, Distt.-Kaimur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Labour Resources Department, Bihar, Patna.
3. Labour Commissioner, Labour Resources Department, Bihar, Patna.
4. Deputy Labour Commissioner, Patna Division ,Patna
5. Joint Labour Commissioner, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Mukesh Kumar, Advocate
For the S t a t e : Mr Ravindra Kumar, AC to AAG VI

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 23-07-2018

Heard learned counsel for the petitioner and the
respondent-State.

2 Petitioner's learned counsel, being faced with the fact
of unauthorized absence of more than 11 years, very fairly confines
his prayer to the issue regarding admissibility of subsistence
allowance from 20.12.2007 that is the date when he submitted his
joining till the award of punishment of dismissal dated 21.08.2013.

3 It is submitted by the learned counsel that since no
decision has been taken regarding subsistence allowance for the
period during which the proceedings were continuing and during
which he would be deemed to be under suspension, he will approach



the authorities with his claim in respect of the said period, treating the said period as period of suspension.

4 In view of limited nature of prayer made by the learned counsel for the petitioner, this Court would allow the petitioner to approach respondent No 2 with his detailed and comprehensive claim. Such claim must be filed within a period of four weeks from today.

5 In the event, such claim is filed, respondent No 2 would be obliged to consider the same and pass reasoned and speaking order on the same within three months thereafter.

6 Writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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