

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17113 of 2015

Ashok Kumar Gupta Son of Late Jagarnath Prasad @ Anant Prasad Residet
of village - Hariharpur Puchari, P.S. Baniyapur, District - Saran (Chapra),
Presently posted as Clerk in the office of District Education officer, Siwan
... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna
2. The Secretary, the Department of Secondary Education, Bihar, Patna
3. The Director, Department of Secondary Education, Bihar, Patna, Budh Marg,
Patna
4. The Regional Deputy Director, Education, Saran Pramandal, Chapra
5. The District Education officer, Gopalganj
6. The District Education officer, Siwan
7. The District Magistrate, Saran at Chapra
8. The District Education officer, Saran at Chapra
9. The Principal, Govt. High School, Chapra (New Establish) at Chapra
10. The Treasury officer, Saran at Chapra
11. The Treasury officer, Siwan at Siwan Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sudama Pd. Singh, Advocate Mr. Rabindra Nath Singh, Advocate
For the State	:	Mr. Sarvesh Kr. Singh, AAG-13 Mrs. Sunita Kumari, AC to AAG-13

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 29-11-2018 The grievance of the petitioner in the present writ
petition is non-payment of subsistence allowance for the period
the petitioner was put under suspension i.e. 12.12.2011 to
27.9.2013.

Learned counsel for the petitioner submits that
suspension of the petitioner was subsequently revoked on
27.9.2013 and after revocation of suspension the petitioner is
regularly discharging his duties but he has not been paid salary.
He submits that the departmental proceeding is still pending.

Considering the aforesaid fact, if the subsistence



allowance is denied to the petitioner it will render the entire departmental proceeding vitiated. Reference in this connection may be made to the decision of the Supreme Court in the case of State of Maharashtra Vs. Chandrabhan Tale : AIR 1983 SC 803 and the decision in (Capt.) M.Paul Anthony Vs. Bharat Gold Mines: (1999) 3 SCC 679.

If the petitioner has not been paid subsistence allowance, the respondents are directed to ensure payment of subsistence allowance within one month from the date of receipt/production of a copy of this order failing which the entire departmental proceeding shall come to an end.

After the revocation of suspension of the petitioner if the petitioner is discharging his duty, he is entitled to payment of salary. The respondents are accordingly directed to ensure payment of salary to the petitioner within a maximum period of two months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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