

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20810 of 2010

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Md. Talha S/o late Alimuddin R/o Village- Sirsi, P.S.- Khodabandpur, District- Begusarai, Presently Posted as A.S.I., Arwal, District Police Force, District- Arwal

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. The Superintendent of Police, Darbhanga
4. The Superintendent of Police, Arwal

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. SATYAVRAT VERMA

For the Respondent/s : Mr. PRABHAKAR TEKRIWAL, GA-1

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date: 12-07-2018

The grievance of the petitioner in the present case is regarding the order dated 01.12.2010 and the District Order No. 1004 of 96, whereby and whereunder, though departmental proceeding was initiated on account of criminal case having been lodged against the petitioner but the same had finally resulted in exoneration of the petitioner from the said criminal case, nonetheless the authorities have directed for treating the period of suspension i.e. from 05.06.1987 to 29.08.1989 to be equivalent to earned leave and in lieu thereof the petitioner has been directed to be paid full salary. It would be evident from the said District Order No. 1004 of 96 that the respondents have not found the petitioner guilty under the said departmental proceeding, hence the respondents could not have passed any order to the detriment of the petitioner.

Having regard to the facts and circumstances of the case, the



District Order No. 1004 of 96, whereby and whereunder the period of suspension, has been directed to be considered as the period during which the petitioner shall be deemed to be on earned leave, is set aside and it is directed that the consequential benefits be granted by way of payment of full salary for the period of suspension less the amount if any paid on the head of subsistence allowance.

The writ petition is allowed and the District Order No. 1004 of 96 as also the order dated 01.12.2010 are quashed and the authorities are directed to make payment as aforesaid.

(Mohit Kumar Shah, J)

S.Sb/-

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