

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16051 of 2016

Pradip Kumar Srivastava, S/o Late Kandh Bihari Sahay, Resident of Village-
Thawe, P.S.- Thawe, District- Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Rural Works Department, Government of Bihar.
3. The Joint Secretary, Rural Works Department, Government of Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava, Advocate
For the Respondent/s : Mr. Kameshwar Pd. Gupta- Gp10

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 26-11-2018

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

2. In this case, the petitioner is claiming that the payment of salary should be made for the period he remained under suspension, as has been stated that he has approached this Court in C.W.J.C. No.9203 of 2009, the same was disposed of vide order dated 04.08.2009, resulted into the withdrawal of the suspension order vide memo no.7819 dated 16.07.2010, but the payment of salary for the period he remained under suspension was made dependant on the result of the criminal case lodged against him.



3. From the records of this case, it appears that this Court vide order dated 08.10.2013 passed in Criminal Miscellaneous No.43021 of 2008, filed by the petitioner, quashed the entire proceeding including the order of cognizance and allowed the quashing petition, which the petitioner has informed to the competent authority and requested for payment of salary for the period he remained under suspension.

4. Learned counsel for the petitioner has not disputed that the petitioner was given the subsistence allowance as per Rule-9 and 10 of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005, but he submits that the rest payment of salary having been not paid. He further submits that when the payment of rest amount of salary was made dependant on the result of the criminal case and when the entire proceeding including the order of cognizance has been quashed by this Court, in such event, the petitioner cannot be deprived of the difference of payment of salary for the period of suspension.

5. Let the competent authority consider the representation filed by the petitioner in light of the fact that when the entire proceeding including the order of cognizance has been quashed by this Court, on that account, it will be treated that there was/is no proceeding at all in any stage, and



decide the same in accordance with law within a period of 8 (eight) weeks from the date of receipt/production of a copy of this order.

6. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	30.11.2018
Transmission Date	N/A.

