

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10071 of 2017**

Atal Bihari Rai, Son of Late Hardev Rai, resident of Charitravan (Buxar),  
P.S. Mufassil Buxar, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Primary Education, Bihar.
3. The District Education- Officer, Buxar.
4. The District Superintendent of Education, Buxar.
5. The District Programme Officer, Establishment, Buxar.
6. The Block Education Officer, Rajpur (Buxar).

... .. Respondent/s

**Appearance :**

|                      |   |                            |
|----------------------|---|----------------------------|
| For the Petitioner/s | : | Mr. Ravi Kumar, Advocate   |
|                      |   | Mr. Shashi Kumar, Advocate |
| For the Respondent/s | : | Mr. Narendra Kumar- GP20   |

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

3      28-02-2018              Heard learned counsel for the petitioner and the counsel  
appearing on behalf of the State.

Vide order dated 21<sup>st</sup> of December, 2017 six weeks time  
was granted to the respondents to file counter affidavit but they  
have not filed any counter affidavit.

Under the aforesaid circumstances, the writ petition is  
disposed of with direction to the respondents to take final  
decision with regard to payment of salary for the period the  
petitioner was put under suspension. The order of suspension  
was subsequently revoked vide order dated 5.2.2014.

Since petitioner has retired on 31.1.2015 and respondents  
have not initiated any departmental proceeding during the



service period nor any action permissible under law was taken after superannuation.

In view of the above, the respondents are required to take decision with regard to payment of salary for the period of suspension. Final decision in this regard must be taken by the respondents within a period of two months from the date of receipt/production of a copy of this order and the monetary benefit arises out of such decision must be extended to the petitioner within a further period of one month.

With the aforesaid, the writ petition stands disposed of.

**(Anil Kumar Upadhyay, J)**

Ravi/-

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