

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18542 of 2010

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Thakur Manoranjan Prasad S/o Late Ram Prasad Thakur R/o Vill.-
Dumri, P.S.- Mohiuddinnagar, P.S.- Sahpur Patori, Distt.- Samastipur, at
Present working as a Principal, Primary Teachers Training College, Pirauta,
Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Human Resources Development Department,
Govt. of Bihar, New Secretariat, Patna
3. The Secretary Human Resources Development Department, Govt. of
Bihar, New Secretariat, Patna
4. Director (Administration)-cum-Joint Secretary Human Resources
Development Department, Govt. of Bihar, New Secretariat, Patna

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Surendra Kr. Singh
Ms. Sudha Chandra
Ms. Tulika Singh

For the State : Mr. Md. Obaidullah, A.C. to SC-10

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 10-07-2018 The petitioner by way of the present writ petition has challenged the order dated 22.04.2010, whereby and where under it has been held that since the petitioner has been warned earlier, it has been decided that he would not be paid anything else other than the subsistence allowances which has already been paid for the period of suspension.

The learned counsel for the petitioner has raised a short point for consideration to the effect that since warning, under the provisions of Bihar Government Servant (Classification, Control



& Appeal) Rules, 2005 does not qualify as a punishment, as has been stated in proviso 2 to Rule 14, the very basis for debarring the petitioner from the pay and allowances apart from the subsistence allowances is misconceived and is fit to be quashed.

As far as the legal issue is concerned, the learned counsel for the State has not produced any material to controvert the same.

Having regard to the facts and circumstances of the case and for the reasons mentioned herein above, I find that the respondents could not have withheld the pay and allowances for the period of suspension apart from what has already been paid, hence the order dated 22.04.2010 passed by the Director, Human Resources Development Department, Government of Bihar, Patna is quashed and it is directed that the petitioner be paid the balance amount of pay and allowances for the period of suspension apart from what has already been paid to him. The aforesaid payment is directed to be made within a period of two months from today.

The writ petition is allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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