

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15810 of 2010

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Triloki Singh S/O Sheo Bayas Singh R/O Vill.- Bharasara, P.S.- Bihiya, Distt.-
Bhojpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. District Magistrate, Bhojpur, Ara
3. Addl. Collector (Estt.), Bhojpur, Ara
4. Block Development Officer, Charpokhari, Distt.- Bhojpur
5. Deputy Collector, Treasury, Bhojpur, Ara

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad
: Mr. Prabhat Kr. Singh
For the Respondent/s : Abhanjali, AC to GA 12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 27-07-2018

1. The present petition has been filed for quashing the order dated 16.02.2004, whereby and whereunder though the petitioner has been released from suspension but still it has been directed that the petitioner would not be liable for payment of anything extra apart from the subsistence allowance which has already been paid during the period of suspension.

2. The learned counsel for the petitioner submits that the inquiry was initiated, regarding the allegation against the petitioner of having misbehaved with his colleagues and having come to the office in a drunken condition, vide letter dated 12.04.2003 and Inquiry Officer was appointed. The Inquiry Officer submitted the inquiry



report dated 16.01.2004, whereby and whereunder the Inquiry Officer found that the charges which has been leveled against the petitioner is false, hence he directed for releasing the petitioner from suspension by an order dated 16.02.2004, however it was directed that the petitioner would not be liable to get anything extra apart from the subsistence allowance for the period under suspension.

3. I have gone through the records and I find that since the petitioner was exonerated from the charges leveled against him by the Inquiry Officer by his report dated 16.01.2004 and no punishment has been imposed pursuant to the initiation of the departmental proceeding vide letter dated 12.04.2003, the disciplinary authority could not have withheld the outstanding salary for the period of suspension, apart from the subsistence allowance already paid to the petitioner.

4. For the reasons mentioned hereinabove, the present writ petition is allowed and the order dated 16.02.2004 is, hereby quashed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2018
Transmission Date	NA

