

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15466 of 2014

=====

Kameshwar Singh, son of Late Rash Lal Singh @ Late Rash Lal Singh
Prabhakar, resident of village- Bela Navtoli, P.O. Bela, P.S.- Babubarhi,
District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, null Human Resources Development Department,
Government of Bihar, New Secretariat, Vikas Bhawan, Patna
3. The Director, Primary Education, Human Resources Development
Department, Government of Bihar, New Secretariat, Vikas Bhawan, Patna
4. The District Magistrate, Madhubani, District- Madhubani
5. The District Treasury Officer, Madhubani, District- Madhubani
6. The District Education Officer, Madhubani, District- Madhubani
7. The District Programme Officer-cum- Conducting Officer, Madhubani,
District- Madhubani
8. The District Programme Officer (Establishment), Madhubani, District-
Madhubani
9. The District Mid Day Mill Scheme Officer, Madhubani, District- Madhubani
10. The Block Development Officer, Babubarhi, District- Madhubani
11. The Block Education Officer, Babubarhi, District- Madhubani
12. The then Headmaster-cum-Drawing Disbursing Officer, Middle School,
Pirhi, P.S.- Babubarhi, District- Madhubani
13. The Headmaster-cum-Drawing Disbursing Officer, Middle School,
Babubarhi, P.S.- Babubarhi, District- Madhubani
14. The then Acting Headmaster, Government Middle School, Tirhuta, P.S.-
Babubarhi, District- Madhubani
15. The Acting Headmaster, Government Middle School, Tirhuta, P.S.-
Babubarhi, District- Madhubani
16. The Chairman, School Education Committee, Government Middle School,
Tirhuta, P.S.- Babubarhi, District- Madhubani
17. The Secretary, School Education Committee, Government Middle School,
Tirhuta, P.S.- Babubarhi, District- Madhubani

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Nityanand Mishra
For the Respondent/s : Mr. K K Singh, AC to SC 10

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 22-11-2018 Heard learned counsel for the petitioner and learned
counsel appearing for the State.

The instant writ petition was filed by the petitioner



way back in the year 2014 for quashing the order dated 30.01.2014 as contained in Annexure-10 whereby the petitioner was placed under suspension. Learned counsel representing the petitioner informed the Court that till date the petitioner is under suspension. The Court cannot approve non-conclusion of the departmental proceeding and continuance of suspension order even after four years. Accordingly, the order of suspension as contained in Annexure-10 is quashed.

It has been reported by the petitioner that till date the petitioner has not been paid subsistence allowance. If the subsistence allowance has not been paid till date, the respondents are directed to make payment of the entire subsistence allowance in one go within 15 days from the date of receipt/production of a copy of this order failing which the petitioner shall be entitled to salary for the entire period of suspension and the entire departmental proceeding shall come to an end after expiry of 15 days as stipulated above.

It goes without saying that if any order has been passed in the departmental proceeding without payment of subsistence allowance, such order is a nullity in the eye of law in view of the law laid down by the Apex Court in the case of ***State of Maharastra vs. Chandrabhan Tale [AIR 1983 SC 803]***



and reiterated in the case of *Bharat Gold Mines & Another vs. Capt. M Paul Anthony [(1999) 3 SCC 679]*.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

mrl./-

U			
---	--	--	--

