

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.48 of 2018

In
Civil Writ Jurisdiction Case No. 16611 of 2016

=====

Vijay Prasad Gupta, aged about 55 years, son of Manu Prasad Gupta, Resident of Village + P.O. - Atimi, Police Station - Nawanagar, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
 2. Sudhir Kumar, the Principal Secretary, Agriculture Department, Bihar, Patna.
 3. Himanshu Kumar Roy, the Director Agriculture, Bihar, Patna.
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv.
Mr. Amit Kumar, Adv.

For the Respondent/s : Mr. Punit Siddhartha, AC to AAG-13

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 18-04-2018 Learned counsel for the parties are present.

A supplementary show cause is filed by Mr. Punit Siddhartha, learned AC to AAG No.13 enclosing an order bearing Memo No.249 dated 12.4.2018 reinstating the petitioner on his post and which is not disputed. However, it is stated at the Bar by Mr. Mukesh Kumar, learned counsel appearing for the petitioner that the salary and allowances have not been restored to the petitioner and the arrears are withheld by stipulation present in the order.

In my opinion the moment the suspension order is quashed on merits, the petitioner becomes entitled to the position of status-quo ante and would thus be entitled to the salary and other emoluments for the entire period and thus the stipulation on the payment of salary present in the order dated 12.4.2018, is not in tune with the legal prescriptions. The petitioner would be at liberty to question the same before the appropriate forum.

The contempt application is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

U			
---	--	--	--

