

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3701 of 2011

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Daroga Rai Son of Late Sukai Rai Resident Of Mohalla- Mitramandal Colony,B-264, Bhavan, Anisabad,Patna-2, Police Station- Phulwarisharif, District-Patna.

... .. Petitioner/s

Versus

1. The Principal Secretary-Cum-Chairman of Bihar Industrial Area Development Authority, New Secretariat, Bailey Road,IIInd Floor,Patna.
2. The Bihar Industrial Area Development Authority Through Its Managing Director Udyog Bhavan East Gandhi Maidan,Patna-800004.
3. The Managing Director Of Bihar Industrial Area Development Authority,Udyog Bhawan, East Gandhi Maidan, Patna-800004.
4. The Secretary Of Bihar Industrial Area Development Authority, Udyog Bhavan East Gandhi Maidan, Patna-4
5. The Executive Director Of Bihar Industrial Area Development Authority,Udyog Bhawan, East Gandhi Maidan, Patna-800004.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Singh, Adv.
For the Respondent/s : Mr. Prashant Pratap, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 30-03-2018

Heard learned counsel for the petitioner and counsel for the BIADA.

In the present case, the petitioner has limited his prayer for payment of salary for 3 days and 7 days, total comes to 10 days and also it appears that the petitioner has been deprived of the enhanced dearness allowance for the period from October, 2007 to 17.3.2008 as during that period, the petitioner was under suspension.

It is clarified that the pay includes dearness allowance including enhanced dearness allowance which took place during



the suspension period. It is not so that during suspension period, the relationship of an employee and employer was over rather it remained under cloud and, as such, if any pay is hiked by way of enhanced dearness allowance or otherwise, the employee cannot be deprived of the same and, accordingly, the petitioner is entitled to the subsistence allowance at enhanced rate.

So far as other dues are concerned, the petitioner will be at liberty to file representation before the Secretary of the Bihar Industrial Area Development Authority, Patna who will examine the claim of the petitioner and take a decision in accordance with law expeditiously preferably within a period of eight weeks from the date of filing of the representation along with a copy of this order.

With the aforementioned observation and direction, this writ petition is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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