

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18787 of 2017

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Laljee Singh, S/o Late Mithu Singh, Resident of Village-Morcha, P.O. Dulaur
P.S. Jagdishpur, Distt-Bhojpur (Ara).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Home Police Dept. Bihar, Patna.
3. The Additional Secretary, Home Police Dept. Bihar, Patna.
4. The Joint Secretary, Home Police Dept., Bihar, Patna.
5. The Collector Cum Distt Magistrate, Bhojpur, Ara.
6. The Conducting Officer Cum the Additional Collector, Bhojpur, Ara.
7. The Superintending of Police, Bhojpur, Ara.
8. The Sub Divisional Officer, Bhojpur, Ara.
9. The Presenting Officer-Cum-Circle Officer, Jagdishpur, Bhojpur, Ara.
10. The Inspector of Police Cum S.H.O. Jagdishpur, Bhojpur, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Verma, Adv.
Mr. Sunil Kumar Yadav, Adv.

For the Respondent/s : Mr. Apurva Kumar, AC to GA-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 18-06-2018

Heard learned counsel for the parties.

In this case the petitioner has raised a grievance that erroneously the petitioner has been put under suspension as well as non-payment of subsistence allowance during period of suspension.

The State has filed counter affidavit stating therein that the petitioner was put under suspension in contemplation of departmental proceeding, which is within the domain of executive. At the same time, the departmental proceeding has already been initiated by issuance of Prapatra 'Ka'.



The suspension can be affected by the Disciplinary Authority in contemplation of inquiry proceeding but, it must be ensured that the petitioner must be paid the subsistence allowance in accordance with law.

Learned counsel for the petitioner submits that the petitioner has received the subsistence allowance only till January 2018 not thereafter.

It has to be seen by the Disciplinary Authority if already the petitioner has not been paid the subsistence allowance, he must ensure the payment of subsistence allowance forthwith after receipt of a copy of this order. It is also directed that the Enquiry Officer must conclude the inquiry proceeding expeditiously preferably within a period of six months from the date of receipt/production of a copy of this order and the Disciplinary Authority must take a decision on receipt of Enquiry Report within a period of two months thereafter.

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

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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