

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.862 of 2019

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Surendra Prasad Singh, S/o Late Ram Anugrah Singh, resident of Village-
Minapur, P.S.- Nayagaon, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar , through the Principal Secretary, Department of Home (Police), Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Saran Range, Chapra.
4. The Deputy Inspector General of Police, Saran Range, Chapra.
5. The Superintendent of Police, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suneil Kumar Thakur, Advocate
For the Respondent/s : Mr.Sheo Shankar Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and the

State.

The petitioner is aggrieved by the order dated 18.4.1995, Annexure-9. From perusal of Annexure-9 it transpires that the petitioner was found guilty and he has been inflicted punishment of stoppage of two annual increments. The order also indicates that the petitioner shall not be entitled to payment of salary except subsistence allowance for the period of suspension.

The law requires that for forfeiture of salary for the period of suspension, the authorities are required to give



reasonable opportunity and after hearing the authority may pass appropriate order. Admittedly, in the instant case the respondents have not provided opportunity of hearing so far as forfeiture of salary for the period of suspension is concerned.

Accordingly, the court directs the respondents to take appropriate decision with regard to payment of salary for the period of suspension i.e. 1.6.1993 to 18.4.1995 after notice and hearing the petitioner. The order inflicting punishment cannot be taken sufficient to forfeit salary for the aforesaid period. The respondents are required to pass a fresh order as to denial of salary for the period of suspension after opportunity of hearing to the petitioner.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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