

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1925 of 2019

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Anand Swarup @ Anand Swaroop, son of Late Tulsi Sahani, Resident of Vill.- Raghunathpur, Police Station- Paroo, District- Muzaffarpur, at present Mahatea Baluatal, Near Kushwaha Hostel, P.O.- Motihari, P.S.- Motihari Town, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Commissioner Patna Division, Patna.
4. The Joint Secretary, General Administration Department, Govt. of Bihar, Patna.
5. The Under Secretary, General Administration Department, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Adv
For the Respondent/s : Mr. Md. N H Khan (SC-1)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 05-02-2019

The petitioner has approached this Court for a direction to the respondent authorities to pay to the petitioner the subsistence allowance for the period 10.02.2011 to 21.05.2012.

It appears that the petitioner was put under suspension because of his having been taken into custody in a bribe case. Later, the petitioner approached this Court for revocation of his suspension but the same was dismissed. However, in appeal, the order passed by the learned Single



Judge dismissing the case of the petitioner was set aside and the suspension order of the petitioner was revoked on the plea that with the joining of the petitioner, after coming out of custody, the suspension was automatically revoked in view of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005.

The aforesaid order passed by the Division Bench in appeal was challenged before the Supreme Court in SLP which now stands dismissed. Before the dismissal of the SLP, the order passed in appeal referred to above was stayed.

In this view of the matter, the petitioner, during the interregnum period, had joined the duty. Under the aforesaid circumstance, the petitioner prays that during the period 10.02.2011 to 21.05.2012 he remained under unauthorized suspension.

The learned counsel for the petitioner has further submitted that for redressal of the aforesaid grievance of the petitioner, he has represented before the Principal Secretary, General Administration Department, several times but such



representations have fallen on deaf ears.

Under the aforesaid circumstances, this Court only directs that in case of fresh representation by the petitioner before the Principal Secretary, General Administration Department, Government of Bihar within a period of four weeks from today, necessary/reasoned order shall be passed by the Principal Secretary within a period of eight weeks thereafter.

With the aforesaid direction, the writ petition is disposed off.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
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