

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4792 of 2019

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Bidhan Chandra Roy, Son of Late Birendra Kumar, resident of 137, Gopal Kurir, Ram Nagar, Kadama Road, Hazaribag, District- Hazaribag and Presently Posted as Sub-Divisional Welfare Officer, Supaul, District-Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Government of Bihar, Patna
2. The Principal Secretary, Schedule Caste and Schedule Tribe Welfare Department, Government of Bihar, Patna
3. The Director, Schedule Caste and Schedule Tribe Welfare Department, Government of Bihar, Patna
4. The Director, Schedule Caste and Schedule Tribe Welfare Department, Government of Bihar, Patna
5. The Joint Secretary, Schedule Caste and Schedule Tribe Welfare Department, Government of Bihar, Patna
6. The Deputy Director Welfare, Purnea Division, Purnea

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Prabhat Kumar Singh, Advocate Mr. Prakash Kumar, Advocate
For the Respondent/s	:	Mr. Md. Raisul Haque (SC-10)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 28-03-2019

Heard the learned counsel for the petitioner and the State.

2. The only grievance of the petitioner in the present petition is that despite his entitlement for getting 75% of his salary during the period of suspension pending departmental proceeding, he is only being disbursed 50% of the salary.

3. It appears that the petitioner was put under suspension on 16.01.2017 in contemplation of a



departmental proceeding against him. Within six months of his suspension, charges were framed against him but the departmental proceeding is still pending before the Departmental Enquiry Commissioner.

4. The petitioner, as stated in the preceding paragraph, merely wants an expeditious conclusion of the departmental proceeding against him and payment of 75% of his salary during the period of suspension and pendency of the departmental proceeding.

5. This Court deems it appropriate, taking into account the period for which the petitioner has been under suspension and the long period which has elapsed since the framing of charges against the petitioner, to direct the concerned Departmental Enquiry Commissioner/Disciplinary Authority to conclude the departmental proceeding against the petitioner expeditiously, preferably within a period of four months from the date of passing of this order/production of a copy of this order.

6. The petitioner is also permitted to make a representation before the concerned respondent for making payment of 75% of his salary during the period of suspension within a period of two weeks from today.

7. Should such an application be filed on behalf of the petitioner within the aforesaid period, the concerned



respondent shall look into the facts and shall pass a reasoned order in accordance with law within a period of four weeks thereafter. If the claim of the petitioner is found to be tenable, necessary sequel order shall be passed without any delay and preferably within the same period as specified earlier.

8. With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.04.2019
Transmission Date	

