

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 3771 of 2016

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Most Bigeshwari Devi, Wife of Late Shiv Govind Ram, resident of Sapna Hill, Telibigha, P.O.- R.S. Gaya, P.S.- Kotwali, Town and District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Collector, Aurangabad, Bihar
2. The District Development Officer, Aurangabad.
3. The Sub-Divisional Officer Daudnagar, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Sanjay Kumar Pandey, Advocate
For the S t a t e : Mr Prabhakar Jha, GP XXVII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 25-04-2019

Heard learned counsel for the petitioner and the respondent-State.

2 From 14.03.1992 till 27.06.1995, petitioner's husband was under suspension. The suspension, as per the claim of the petitioner, was revoked subsequently on 27.06.1995 by order of the District Development Officer, Aurangabad bearing Order No 47/1995-96. Husband of the petitioner, thereafter, died on 25.08.2000. As per the claim of the petitioner, no proceeding was initiated pursuant to the said suspension nor any punishment has been inflicted on the petitioner's husband.



3 If that be so, there can be no basis for withholding the salary for the period of suspension taken note of herein above. In view of death of husband of the petitioner on 25.08.2000, punishment or any order for withholding the salary for the period of suspension now cannot be passed legally or enforced against the petitioner's husband.

4 The writ petition is disposed of with a direction to the District Magistrate, Aurangabad to dispose of the petitioner's representation dated 29.06.2015 by making payment of all the dues of salary for the period 14.03.1992 to 27.06.1995 after ascertaining that on the basis of such suspension, no order of punishment has been issued against the petitioner's husband.

5 Let the decision be taken and admissible dues, payable to the petitioner, be paid to the petitioner within a period of eight weeks from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.04.2019
Transmission Date	NA

