

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6409 of 2015

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Krishna Paswan son of Faguni Paswan, resident of Village- Kutubpur Kothi,
PO.- Thathan Bujurg, P.S.- Hajipur Sadar, District- Vaishali Hajipur.

... .. Petitioner

Versus

1. The State Of Bihar
2. Principal Secretary, Home Police Department, Government of Bihar, Patna.
3. Director General of Police, Bihar, Patna.
4. Inspector General of Police, Kosi Range, Saharsa.
5. Deputy Inspector General of Police, Kosi Range, Saharsa.
6. Superintendent of Police, Supaul.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr.Gajendra Kumar Jha, Advocate and Mr. Shanti Pratap, Advocate
For the Respondents	:	Mr. H.S.Roy, AC to AG, Bihar

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-04-2019 Heard learned counsel for the petitioner as well as

learned counsel appearing for the State.

On account of some misconduct, while the petitioner was in service he was awarded a punishment on 30.6.2011. The punishment was imposition of one black mark. The petitioner had remained in suspension for about eight months.

It is submitted by petitioner's counsel that the salary for eight months have wrongly been withheld as the same could not be sustained in view of the minimum punishment granted to the petitioner of one black mark.

Counsel for the State has drawn attention of the Court upon Rule 841 of the Bihar Police Manual which deals with the



allowances for the period of suspension at different rates depending upon the length of suspension and in a circumstance where suspension is prolonging for reasons not directly attributed to the employee concerned, the same requires enhancement.

In the instant case, suspension is admittedly for a period of eight months. Increase in the slab of subsistence allowance could have been claimed if the suspension continued beyond twelve months. In the circumstances, the amount of subsistence allowance which has been paid to the petitioner appears to be correct. Counsel for the petitioner has not pointed out any other provision in the Bihar Police Manual which contemplates automatic grant of salary for the period of suspension leading to imposition of one black mark.

Claim in the writ petition is devoid of merit and the writ petition is dismissed.

(Madhuresh Prasad, J)

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