

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 10371 of 2019

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Shashi Kumar Mandal, aged about 25 years, Gender – Male, S/o Mahandra Mandal R/o Village- Balia Basa, Post- Pirnagar, P.S.- Gwalpara, Dist-Madhepura, Pin- 853202.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Director General of Police-cum-I.G. of Police, Bihar, Patna.
3. The D.I.G. of Police, Munger Range, Munger.
4. The S.P. of Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Ranjit Jha, Advocate

For the Respondent/s : Mr.Manish Kumar (Gp4)

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 29-08-2019

Heard learned counsel for the petitioner as well as the learned counsel for the respondent-State.

2 Petitioner claims payment of subsistence allowance on account of his being under suspension since 05.10.2015.

3 Respondents have filed the counter affidavit after due service on the petitioner's counsel. Specific stand of the respondents in the counter affidavit is that on account of his incarceration, by order dated 23.02.2018 whereby proceedings were initiated against the petitioner, the period of incarceration has been treated as suspension. Authorities, in their counter affidavit,



have made a specific statement that when departmental proceedings were initiated against the petitioner under District Order No 124 of 2018 dated 23.02.2018, he has been allowed to withdraw the subsistence allowance thereafter. The said statement of the State has not been denied or disputed by filing any rejoinder though petitioner's counsel submits that if the payment has not been made then actual payment should be made to the petitioner. Such an order is not required to be passed having regard to the specific stand of the respondents in the counter affidavit that the petitioner was allowed to withdraw the subsistence allowance. Claim of the petitioner of subsistence allowance for the period of incarceration, treated as suspension prior to initiation of proceedings, shall be decided by the authorities at the appropriate time.

4 Writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.08.2019
Transmission Date	NA

