

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1365 of 2017

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Suman Kumar Sinha, son of Late Rajendra Prasad, resident of Vill+P.O.-
Kourihar, P.S. Gamharia, Dist.- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. Sohel, the Collector, Madhepura (Disaster Management Department)
2. The Senior Dy. Collector-cum-Incharge Officer, Aapada Prabandhan Shakha, Madhepura.
3. The Sub-Divisional Officer, Udakissungaj, Madhepura.
4. The Circle Officer, Ghailadh Circle Office, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra, Advocate
For the Respondent/s : Mr. Subhash Chandra Yadav-GP-15

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 16-04-2019 The petitioner had initially approached this Court for revocation of his suspension, but during the pendency of the writ petition, the departmental proceeding against the petitioner concluded and the petitioner was found guilty of furnishing a report belatedly for which he was warned to be careful in future. However, for the period of suspension, only subsistence allowance was directed to be paid to him.

The aforesaid order passed in a disciplinary proceeding has been brought on record by way of Interlocutory Application No. 67 of 2018.



Mr. Awadhesh Kumar Mishra, learned advocate for the petitioner submits that with the finding of the Inquiry Officer and the disciplinary authority concurring with the same that the department did not suffer any loss and the only fault which could be attributed to the petitioner was the late submission of his report, it was only desirable that the petitioner ought to have been paid his full wages and salary during the period of his suspension.

The aforesaid submission on behalf of the petitioner, though on the face of it appears to be logical but in case of the finding of the disciplinary authority, recording a warning to the petitioner, such an order cannot be passed till the time such punishment/warning exists against the petitioner. The only course open for the petitioner is to challenge the aforesaid finding of the disciplinary authority before the appellate authority, which forum has not been exhausted by the petitioner.

Under the aforesaid circumstances, the petitioner is permitted to withdraw this writ petition in order to raise the grounds urged before this Court with respect to his



entitlement for full wages and salary during the period of his suspension, in the event of the department not having suffered any loss, before the appropriate authority, who shall dispose off such appeal within six weeks of receipt of the memo of appeal.

With the aforesaid observation/direction, the writ petition stands dismissed as withdrawn.

(Ashutosh Kumar, J)

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