

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 18040 of 2015

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Dr Ramanand Prasad Singh, resident of Village – Khalishpur, PS - Sarairanjan, District - Samastipur

... .. Petitioner/s

Versus

- 1 The State Of Bihar through the Principal Secretary, Department of Health, Patna, Bihar
- 2 The Joint Secretary, Department of Health, Patna
- 3 The Deputy Secretary, Department of Health, Patna
- 4 The Under Secretary, Department of Health, Patna
- 5 The Accountant General (A & E), Bir Chand Patel Marg, Patna, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Samir Kumar, Advocate
For the S t a t e	:	Mr Birju Prasad, GP XIII
		Mr Ashok Kumar, AC to GP XIII
For Accountant General :		Mr Ranjan Kumar, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 26-02-2019 Heard learned Counsel for the petitioner and the respondent-State.

The petitioner was proceeded against on some charges alleging irregularities in discharge of certain major schemes. The period of suspension was from 17.11.2008 to 21.02.2011. Upon conclusion of the enquiry, petitioner was exonerated of the charges. However, for the period of suspension, petitioner has been denied payment of salary.

Relying upon the decision of this Court in the case of *Kishori Lal -Versus- State of Bihar & Others* reported in 2008 (2) PLJR 56, it is submitted by the learned State Counsel that on



account of non-payment of salary, petitioner is not entitled to actual grant of increment for the period of suspension. However, it is submitted by petitioner's counsel that he is entitled to increment for the period of suspension for the purposes of fixation of due salary and pension by including the increments for the period of suspension notionally.

The issue has not specifically been raised by the petitioner in any of the representations which have been annexed to the writ petition. However, in view of the submissions made, relying upon the same decision in the case of *Kishori Lal (supra)* of this Court, the petitioner's counsel submits that the petitioner would be approaching respondent No 4 with his claim for the said benefit, taken note of herein above.

In the event, the petitioner makes an application/representation for grant of the said benefits along with a copy of this order, the Authority would be obliged to consider the claim of the petitioner having regard to the legal position emanating from the judgment of this Court, taken note of herein above and dispose of the petitioner's claim in accordance with law.

If there is no other legal impediment against grant of notional increment for the period of suspension, the same shall



be granted to the petitioner and his due salary and pension shall
be fixed by the Authority within a period of three months from
the date of receipt/production of a copy of this order.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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