

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19243 of 2017

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Sanjay Son of Yogeshwar Prasad, Resident of Village- Nawa Nagar, P.S.-
Nawa Nagar, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Education Officer, District- Buxar.
4. The District Programme Officer Establishment, District- Buxar.
5. The Block Education Officer, Anchal- Dumraon-1, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Dubey, Advocate
For the Respondent/s : Ms. Binita Singh, S.C. 28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 01-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the respondent State.

The grievance of the petitioner is now confined to the
payment of salary for the period when the petitioner was put
under suspension.

Learned counsel for the petitioner would submit that
the order of suspension was quashed by this Court with liberty
to the respondents to proceed against the petitioner.
Notwithstanding granting such indulgence by this Court,
respondents have not taken any step to proceed against this
petitioner. The petitioner was paid salary after revocation of



suspension but for the period of suspension he has not been paid salary. Learned counsel for the petitioner further submits that respondents have not proceeded against the petitioner then in that situation. Petitioner is entitled to full salary for the period of suspension. He submits that in the present fact situation, the petitioner cannot be deprived the difference of salary and the subsistence allowance already paid during the period of suspension.

Considering the fact that the respondents, on their own, decided not proceed against this petitioner they are obliged to take appropriate decision with regard to the payment of salary for the period of suspension by passing appropriate order in this regard. The submission of the petitioner that the respondents have not initiated any proceeding against the petitioner, in that situation, the period of suspension cannot be used as the punishment to deprive the salary to the petitioner merits consideration.

Considering the aforesaid, the present writ petition stands disposed of with a direction to the respondents to take appropriate decision with regard to the claim of the petitioner for the payment of the salary for the period the petitioner put under suspension in the light of the observation made



hereinabove. Necessary decision with regard to the claim of the petitioner shall be taken by the respondents at the earliest, preferably within a period of 60 days from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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