

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13780 of 2019

=====

Vijay Kumar Sharma, Son of Late Chandrika Sharma, resident of Village-
Mahuar, Police Station- Haspura, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of General Administration,
Government of Bihar, Patna.
4. The Under Secretary, Department of General Administration, Government of
Bihar, Patna.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Rajiv Nayan Singh
For the Respondent/s	:	Mr. Md.Nadim Seraj (GP5)
For the Accountant General :		Mr. Chaitanya Swaroop, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 12-07-2019 Heard the learned counsel for the parties.

The petitioner was suspended in anticipation of initiation of departmental enquiry. The enquiry was contemplated with respect to a letter which the appellant wrote for recommending registration of the bank as a multi-State Cooperative Bank even though the government had taken a decision to close down the said bank.

In any view of the matter, the Apex Court in Civil Appeal No. 8254 of 2018 (arising out of SLP (C) No. 16653 of 2016)) directed for closure of all departmental



proceedings against the petitioner and quashed any proceeding against him which had begun.

Pursuant to the aforesaid order of the Supreme Court dated 14th of August, 2018, the government took a decision of revoking the order of suspension and making available to the petitioner his salary of the suspension period from 10.11.2008 to 20.05.2009. Despite the order of the government (under the signature of Additional Secretary, General Administration Department, Government of Bihar, Patna), the petitioner has not been paid the salary and, therefore, he is being paid provisional pension only despite the fact that he retired about a decade ago and is in the evening of his life.

The petitioner, under the aforesaid circumstances, has sought a direction to the concerned authorities to make available to him the salary for the period of suspension and for re-fixation of his pension on the basis of the last pay received by him.

The petitioner is directed to make a detailed representation before the Principal Secretary, Department of



General Administration, Government of Bihar, Patna within a period of three weeks, who, on receipt of the same, shall, after verifying the facts and finding the claim of the petitioner to be tenable, pass order in accordance with law, within a further period of four weeks thereafter. The other prayer of the petitioner, namely, commutation of pension also shall be considered by the concerned authority while disposing off the aforesaid representation.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

U			
---	--	--	--

