

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12727 of 2019

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Shiv Shankar Pandey S/o Late Dinanath Pandey Resident of Village Jagadara,P.S. Buxar (Industrial),Dist.Buxar.Presently posted at Prakhand Office,Rajpur as Panchayat Secretary,

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department,Govt. of Bihar,Patna
2. The District Magistrate, Buxar
3. The Deputy Development Commissioner, Buxar
4. The District Panchayat Raj, Buxar
5. The Sub-Divisional Officer, Dumrao,Buxar
6. The Deputy Collector Land Reforms, Buxar
7. The Block Development Officer, Brahmpur,Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nawnit Kumar Tiwary, Advocate
For the Respondent/s : Mr. Md. Nadim Seraj (GP 5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 27-06-2019

Heard the learned counsel for the parties.

2. The petitioner, who is a Panchayat Secretary and is under suspension and facing departmental proceeding, has approached this Court for a direction to the respondent authorities to pay his salary since 28.02.2010 which has not been paid to him without any reason as also for a direction for regular payment of subsistence allowance during the period of suspension and



finally for conclusion of departmental proceeding as expeditiously as possible as the petitioner is to superannuate on 31.01.2020.

3. The petitioner appears to have been suspended pending departmental proceeding on 13.08.2018 on the charges of unauthorized withdrawal of a huge amount of money from a Government Scheme Account.

4. Whatever may be the allegation, the petitioner is entitled to the subsistence allowance during the period of suspension. The prayer of the petitioner for a direction for conclusion of departmental proceeding expeditiously is also not unwarranted.

5. Considering that the age of superannuation of the petitioner is round the corner, the aforesaid two prayers of the petitioner is allowed.

6. The concerned respondents are directed to pay to the petitioner the subsistence allowance during the period of suspension and the departmental proceeding pending against him be concluded without any delay.



7. The petitioner is further directed to make a representation before the District Magistrate, Buxar intimating to him that for no apparent reason, he has not been paid his salary from 2010 till the date when he was suspended. Such representation, if made by the petitioner within a period of six weeks from the date of passing of this order, the District Magistrate, Buxar on receipt of the same shall have the facts inquired and thereafter pass a reasoned order in accordance with law, within a further period of six weeks thereafter.

8. With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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