

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18299 of 2019

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Naveen Chandra Pathak S/o Late Bishwa Nath Pathak Resident of House of
Umesh Kumar, Road No. 7B, Rajiv Nagar, Keshari Nagar, District- Patna-
800024

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education
Department, Bihar, Patna
 2. Director Secondary Education, Education Department, Bihar, Patna
 3. Regional Deputy Director of Education Patna Division, Patna
- Respondent/s

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Appearance :

For the Petitioner/s : Mr.Abhinav Srivastava
For the Respondent/s : Smt.Binita Singh (Sc28)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-09-2019 Learned counsel for the petitioner is permitted to

implead District Programme Officer (Establishment), Patna as

party respondent no.4 during the course of the day.

Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner is aggrieved by non payment of salary for
the period 9.3.2017 to 22.10.2017. His further grievance is that
he has not been paid subsistence allowance for the period
28.7.2008 to February, 2009, March, 2010 to 8.3.2017 and
23.10.2017 to 10.3.2018.

Payment of salary requires verification of the fact at
the level of District Programme Officer as factual enquiry is
involve in this case.



Accordingly, the writ petition is disposed of with a direction to the District Programme Officer (Establishment), Patna to verify the entitlement of the petitioner for payment of salary including subsistence allowance for the period indicated hereinabove. Payment of subsistence allowance to the petitioner for the period of suspension is sine qua non and the order of suspension and the departmental proceeding has to be vitiated on account of non payment of subsistence allowance. The respondent no.4 is required to examine the record and if it is found that petitioner was not paid subsistence allowance for the period he was put under suspension then the respondent no.4 shall ensure payment of subsistence allowance in one go within a period of 30 days from the date of receipt/production of a copy of this order. So far as payment of arrears is concerned, respondents have to take appropriate decision within a period of sixty days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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