

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19541 of 2018

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Jay Dayal Son of Ram Nihora Prasad, Resident of Village- Haraji, Post Office- Haraji Police Station- Autar Nagar, District- Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director of Secondary Education, Government of Bihar, Secretariat Building, Patna- 800001.
3. The Regional Deputy Director of Education, Saran Division, Chapra.
4. The District Education Officer, Saran, Chapra.
5. The Headmaster, Ishwari High School, Village- and Post Office- Basant, Police Station- Garkha, Dist

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Najmul Hoda, Advocate

For the Respondent/s : Mr. Hitesh Suman, A.C. to S.C. 13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 11-07-2019 Heard learned counsel for the petitioner and learned counsel appearing for the respondent State.

The petitioner is aggrieved by the non-payment of his salary for the period he was put under suspension.

Learned counsel for the petitioner submits that the respondents have not initiated any departmental proceedings. The suspension was quashed by this Court in C.W.J.C. No. 18261 of 2009. The petitioner is now retired and after retirement he has been paid all the retiral dues. The only issue which require consideration in the present proceeding is whether the petitioner is entitled for salary for the period he was put under suspension without any departmental proceeding.



Suspension is not cessation of master-servant relation. Suspension in contemplation of departmental proceeding is permissible. But in a situation where the respondents have not initiated departmental proceedings, the order of suspension is of no relevance. The order of suspension was quashed in C.W.J.C. No. 18261 of 2009, and thereafter, the respondents have not initiated any departmental proceeding against this petitioner.

In the aforesaid circumstances, denial of the salary for the period of suspension is arbitrary. Accordingly, the respondents are hereby directed to ensure the payment of salary after deducting the payment of subsistence allowance for the period of suspension if the respondents have not initiated departmental proceedings against the petitioner. Necessary decision with regard to the payment of salary to the petitioner for the period of suspension may be taken by the respondents at the earliest preferably within a maximum period of 60 days from the date of receipt/production of a copy of this order and ensure payment within a further period of 30 days.

With the aforesaid, the present writ petition is disposed of.

(Anil Kumar Upadhyay, J)

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