

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3368 of 2018

In
Civil Writ Jurisdiction Case No.19621 of 2014

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Priya Ranjan Kumar Mehta, s/o Late Bishun Deo Mehta, Ex Sub Inspector of Police, Vaishali, r/o Village/Post Karanja, PS Naubatpur, District Patna

... .. Petitioner

Versus

1. Deepak Kumar, The Chief Secretary, Government Of Bihar, Patna
2. Amir Subhani, Principal Secretary, Department of Home, Government Of Bihar, Patna
3. K.S.Dwivedi, the Director General of Police, Bihar, Patna
4. Sunil Kumar, the Inspector General of Police, Muzaffarpur Zone, Muzaffarpur (Bihar)
5. Anil Kumar Singh, the Deputy Inspector General of Police, Tirhut Range, Muzaffarpur (Bihar)
6. Dr. Manavjeet Singh Dhillon, the Superintendent of Police, Hajipur, Vaishali
7. Tauhid Parvez, Superintendent of Police ©, Crime Investigation Department of Bihar

... .. Opposite parties

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Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha, Sr. Advocate Mr. Akhilesh Dutta Verma
For the Respondent/s	:	Mr.Parth Sarthy - Ga 4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 02-01-2019 It is submitted by learned Senior Counsel appearing for the petitioner that in the light of the order dated 17.7.2018 passed by this Court on the writ petition the petitioner would be entitled to arrears of salary upon his reinstatement as the order of punishment has been quashed by order dated 17.7.2018.

Para 7 of the order dated 17.7.2018 reads as follows:-

“7. Since the said procedure has not been observed, the punishment imposed upon the



petitioner as a result of such proceedings held in gross violation of the Principles of Natural Justice as also the procedure prescribed in the Bihar CCA Rules, 2005 is unsustainable. The petitioner would be treated to be under suspension and the Department may proceed against him from the stage after submission of the enquiry report.”

The natural corollary of the said order is that till final decision is taken against the petitioner in the proceedings subsequent upon quashing of the same, after passing of the order in the writ proceeding the petitioner has to be treated as under suspension. The consequential benefits, on account of suspension, clearly would mean the arrears of subsistence allowance and payment of subsistence allowance during currency of the proceedings against the petitioner.

It is submitted by the learned Senior Counsel that though the petitioner is being paid his subsistence allowance currently but prior to the order of termination he has not been paid subsistence allowance.

Counsel for the State submits that since there is no clear averment in this regard in the contempt petition he has not obtained instruction in this connection. However, as payment of subsistence allowance for the entire period is a natural corollary



of the order dated 17.7.2018, if the same has not been paid for the period prior to the order of termination, the Opposite parties will ensure that the same is paid to the petitioner within a period of six weeks from the date of receipt/production of a copy of this order.

The contempt application stands disposed of.

(Madhuresh Prasad, J.)

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