

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17162 of 2017**

Sanjay Kumar Son of Late Tarkeshear Prasad, resident of Village At and C/o Shri Thakur Seva Sadan, Village Post Office- Nimez Pashchimi Tola, Ward No. 05, Police Station- Brahmpur, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. State Transport Commissioner, Bihar, Patna.
3. District Transport Officer, Araria, District- Araria.
4. District Transport Officer, Purnea, District- Purnea.
5. The Joint Commissioner-cum-Secretary Departmental Transport, Government of Bihar, Secretariat, Patn

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Phulen Yadav, Adv.

For the Respondent/s : Mr. Manoj Kumar, AC to GP-24

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

5      19-11-2019                      An order dated 29.07.2016, passed by the State Transport Commissioner whereby the petitioner has been put under suspension is under challenge in the present writ application.

Admittedly, the order of suspension has been revoked. Learned counsel appearing on behalf of the petitioner has submitted that though after revocation of suspension the petitioner joined his services but the subsistence allowance has not been paid for the period when he was under suspension.

Learned counsel appearing on behalf of the State of Bihar, on the other hand, has drawn my attention to the statement made in paragraph 11 of the counter affidavit to submit that the petitioner has been allowed the subsistence allowance under Rule-10 of the Bihar



Government Servant Classification Control and Appeal Rules, 2005.  
A departmental proceeding appears to have been initiated against him and it has been submitted by learned counsel for the State that since second show-cause was issued in 2018 itself, in all probability, that must have been concluded.

In any view of the matter, this writ application seeking quashing of the order of suspension has lost its purpose. So far as the petitioner's grievance of payment of subsistence allowance is concerned, it must be taken into account that the statement made in paragraph 11 of the counter affidavit that the said amount has been paid has not been controverted by the petitioner by filing any reply to the said counter affidavit. However, the petitioner shall be at liberty to approach the competent authority claiming payment of subsistence allowance for the period during which he had remained under suspension, which shall be considered/decided in accordance with law, within a period of two months from the date of receipt/production of a copy of this order.

Petition shall stand disposed of.

**(Chakradhari Sharan Singh, J)**

Prakash Narayan /-

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