

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9441 of 2019**

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Dinesh Kumar Rai son of Yogendra Rai Beat No. 1/4, resident of Village-  
Inayatpur Prabodhi, P.S.- Sarai, District- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Home Department, Department of Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Vaishali.
3. The Superintendent of Police, Vaishali.
4. The Deputy Collector, Vaishali.
5. The Circle Officer, Bhagwanpur.
6. The Station House Officer Sarai, District- Vaishali.

... .. Respondents

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**Appearance :**

For the Petitioner : Mr.Mukesh Kumar, Advocate  
For the Respondents : Mr.Md. N.H. Khan (SC 1)

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      09-06-2020                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned counsel appearing on behalf of the State.

The petitioner has filed the present writ petition for a  
direction to the respondents to pay salary during the period of  
his suspension.

Learned counsel appearing on behalf of the petitioner  
would submits that the petitioner is under suspension on account  
of the fact that he was made accused in Sarai P.S. Case No. 117  
of 2009 registered for the offences under Sections 341, 342,  
323, 307, 386, 379 and 302 of the Indian Penal Code. On



24.04.2015 the petitioner was acquitted of the charges by learned Additional District & Sessions Judge-cum-Special Judge 1, Vaishali at Hajipur and he has not been subjected to any departmental proceeding and suspension of the petitioner was finally revoked by the respondents but he has not been paid salary for the period during which he was put under suspension.

Considering the fact that no departmental proceeding was initiated against the petitioner and only on account of pendency of the criminal case, he has been put under suspension and suspension was finally revoked, the Court is constrained to direct the respondents to take appropriate decision for payment of salary for the period of suspension on account of the pendency of the criminal case. Necessary decision for payment of consequential benefits shall be taken by the District Magistrate, Vaishali at Hajipur with a period of of three months from the date of receipt/production of a copy of this order

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

**(Anil Kumar Upadhyay, J)**

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