

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7158 of 2020

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Revati Ranjan Son of Ravindra Kumar Verma Resident of 301, Angan Apartment, New Area, Kadam Kuan, Patna- 800003.

... .. Petitioner/s

Versus

1. The State of Bihar through the State Transport Commissioner, Department of Transport, Government of Bihar, Patna.
2. The State Transport Commissioner, Department of Transport, Government of Bihar, Patna.
3. The Deputy Secretary, Transport Department, Government of Bihar, Patna.
4. The District Magistrate, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Adv.
For the Respondent/s : Mr. Ajay Kr. Rastogi AAG-10

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Mr. Ojha, appearing for the petitioner submits that the entire proceedings are marred by irregularities. Without paying any subsistence allowance to the petitioner since 2014 the respondents have dragged their feet in the enquiry. The facts are glaring. Even though reply to the second show cause has been



submitted on 26.03.2019 (Annexure-15), the Authorities for the last more than about 01 and ½ years have not even been passed the orders on reply to the second show cause.

Submission is that the petitioner is made to suffer grave consequences on account of denial of subsistence allowance ever since he was placed under suspension under order dated 28.01.2014.

In view of the developments after the petitioner's suspension under order dated 28.01.2014, this Court would dispose off the writ petition with a direction to Respondent No.3 to conclude the proceedings by passing a final order on the reply to the second cause show cause dated 26.03.2019 submitted by the petitioner if the same has not been done till date, without any undue delay expeditiously, and preferably within three (03) months from the date of receipt/production of a copy of this order.

The learned State counsel submits that petitioner may be directed to submit a certificate that he was not in employment during all these years, as contemplated under Rule 10(2) of the Bihar Government Servants (Classification, Control and Appeal), Rules, 2005.

Mr. Ojha, representing the petitioner submits that



petitioner would be submitting a certificate within two weeks in compliance of the Statutory Rule as per the submission of the State Counsel.

Within four (04) weeks from submission of such certificate by the petitioner, along with a copy of this order, the Authorities should ensure that arrears of subsistence allowance is paid to the petitioner along with a statement showing calculation of the amount of arrears being paid. Current subsistence allowance shall also be started within the said period.

The writ petition is disposed off with the aforesaid direction.

(Madhuresh Prasad, J)

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