

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10733 of 2021

=====

Baby Kumari @ Bebi Kumari, Wife of Late Upendra Kumar Singh, resident of Raghuwar Nagar, Bagha, P.S. - Lohiya Nagar, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Darbhanga.
4. The Deputy Inspector General of Police, Tirhut Range, Muzaffarpur.
5. The Senior Superintendent of Police, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Prashant Sinha, Advocate
For the Respondent/s : Mr. AC to AG

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 21-12-2021

Heard learned counsel for the respective parties.

2. In the instant writ petition, the petitioner has prayed
for the following reliefs:

- (i) For issuance of necessary direction upon the respondent authorities to pay the subsistence allowance @ 75% of her salary w.e.f. 02-10-2011 in terms of the Rule 841 of the Bihar Police Manual, Rule-10 (1) of the CCA Rules and Rule-96 of the Bihar Service Code, which provides that the subsistence allowance may be increased by such a suitable amount which shall not be exceeding 50% of the subsistence allowance admissible during the period first 12 months, if in the opinion of the said authority, the period of suspension has been prolonged for



which, reasons to be recorded in writing the Govt. servant is not responsible.

(ii) For holding that the petitioner was placed under suspension on 02.10.2010 and there was no lapses on her part in extending the period of suspension beyond 12 months, the petitioner was dismissed from service on 09.02.2014 without following the procedure prescribed under the law and therefore, the Hon'ble Court set aside the order of dismissal. Hence, the petitioner is not responsible for extension of her period of suspension beyond 12 months, therefore, she is entitled for enhancement of her subsistence allowance @ 75% of her salary w.e.f. 02-10-2011.

(iii) For necessary direction upon the respondent authorities to pay the differential amount of subsistence allowance to the petitioner upon enhancement of subsistence allowance @ 75% of her salary.

(iv) For necessary direction upon the respondent authorities to release the withheld subsistence allowance for the period from 21-03-2020 to 01-06-2020 as the subsistence allowance has been wrongly withheld on account of her absence from the Police Line due to COVID-19 pandemic.

(v) For any other direction, which your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. The petitioner was dismissed from service on 09.02.2014 by virtue of judicial pronouncements. Petitioner was taken back to duty on 28.06.2019. Thereafter, due to various communications, the petitioner is stated to have been placed under



suspension for the second time. However, the petitioner has not furnished order of second suspension so as to direct the concerned authority to extend subsistence allowance.

4. In absence of placing second suspension order, the petitioner is not entitled to subsistence allowance or enhanced subsistence allowance. Thus, the petitioner has not made out a case, hence the writ petition stands dismissed reserving liberty to the petitioner to file fresh petition in accordance with law.

(P. B. Bajanthri, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.01.2022
Transmission Date	NA

