

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10682 of 2020

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Ashok Kumar Son of Late Shiv Shankar Prasad, Resident of Ward No. 06,
Near Rajistri Office, Masjid Road, Belsand, P.O. and P.S. - Belsand, District-
Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Sub Divisional Welfare Officer, Belsand, Sitamarhi.
4. The Executive Officer, Nagar Panchayat, Belsand, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar
For the Respondent/s : Mr.Lalit Kishore (Ag)

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

Date : 30-11-2021

In the instant petition, petitioner has prayed for
following relief/reliefs:

“(i) For issuance of writ in the nature of Certiorari for quashing the letter no. 315 dated 16.07.2016 issued by Executive Officer, Nagar Panchayat, Belsand, whereby and whereunder the petitioner was put under suspension w.e.f. 11.07.2016.

(ii) For issuance of writ in the nature of Mandamus for the payment of subsistence allowance, salary and other allowances.

(iii) For any other relief/reliefs as your lordships may deem fit and proper under the facts and circumstances of the present case.”

On the allegation that the petitioner is alleged to have misappropriated the departmental money and it has resulted in initiation of criminal proceedings. Based on the criminal



proceedings, petitioner was placed under suspension on 11.07.2016 and it was revoked on 26.11.2021. Criminal proceedings are still stated to be pending. The grievance of the petitioner in respect of regulating the suspension period from 11.07.2016 to 26.11.2021 is dependent on the outcome of a criminal proceedings. If the petitioner is acquitted in the criminal proceedings, in that event, the competent authority is hereby directed to regulate the suspension period and disburse the amount within a reasonable period in accordance with law.

With the above observations writ petition stands disposed off.

At this juncture, learned counsel for the petitioner submitted that the petitioner has not been provided subsistence allowance during the aforesaid period. In this regard, he has approached the authorities and authorities have not taken any action to disburse the subsistence allowance. Petitioner has been placed under suspension on 11.07.2016 and it was revoked on 26.11.2021. Therefore, the concerned respondent is hereby directed to calculate subsistence allowance for the intervening period from 11.07.2016 to 26.11.2021 and disburse the same within a period of three months from the date of receipt of this order, failing which,



petitioner is entitled to interest on the arrears amount of
subsistence allowance @ 6 % per annum.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.12.2021
Transmission Date	NA

