

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15314 of 2021

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Pankaj Kumar Son of Late Sachchida Nand Prasad Resident of South of P and T Colony, Mithanpura, P.S. Mithanpura, District- Muzaffarpur, Presently working as Clerk, Block Office, Aurai, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Tirhut division, Muzaffarpur.
4. The District Magistrate, Muzaffarpur, District- Muzaffarpur.
5. The Additional Collector, Departmental Enquiry, Muzaffarpur, Muzaffarpur.
6. The Treasury Officer, Muzaffarpur. District- Muzaffarpur.
7. The Sub - Divisional Officer, Muzaffarpur East, District- Muzaffarpur.
8. The Establishment Deputy Collector, Muzaffarpur, District- Muzaffarpur.
9. The Block Development Officer, Gaighat, District- Muzaffarpur.
10. The Block Development Officer, Aurai, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the Respondent/s : Mr. Vikash Kumar (SC 11)

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

Date : 01-12-2021

Heard learned counsels for respective parties.

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

“(i) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 01.02.2021 passed by the District Magistrate, Muzaffarpur, Respondent no. 4 and contained in his memo no. 178 dated 02.02.2021, whereby and where under the Respondent no. 4 was pleased to pass an



order that the petitioner is not entitled to get anything during the suspension period except subsistence allowance, the stoppage of three increment with cumulative effect and deposit of Rs. 20 Lacs in Block Nazarat, Gaighat within a period of 20 days.

(ii) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 03.08.2021 passed by the Respondent no. 10 and contained in his memo no. 813 dated 03.08.2021 whereby and where under the Respondent no. 10 directed the petitioner to deposit Rs. 25,000/- per month in Block Nazarat, Gaighat pursuant to the order dated 02.02.2021 passed by the Respondent no. 4 failing which from the next month his salary will be stopped.

(iii) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to pay the salary of the suspension period after deducting the amount of subsistence allowance and to pay full current salary to the petitioner without any interruption as also to restrain the Respondents for stoppage of increment with cumulative effect and recovery from the salary of the petitioner.

(iv) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

Against the order of penalty dated 01.02.2021

(Annexure-P-12) petitioner has preferred an appeal before the appellate authority, i.e., respondent no. 3, the Divisional



Commissioner, Tirhut Division, Muzaffarpur on 22.02.2021 which is pending consideration. Therefore, the appellate authority, respondent no. 3, is hereby directed to examine the petitioner’s appeal in the light of provision relating to consideration of appeal and proceed to pass speaking order after due consideration of the contentions raised in the appeal. The above exercise shall be completed within a period of six months from the date of receipt of this order.

With the aforesaid observations, the present writ petition as well as Interlocutory Application No. 1 of 2021 stands disposed off.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

