

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 7605 of 2022

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Abhay Kumar Singh Son of Late Kamleshwari Prasad Singh Resident of
Village- Khawa, P.S.- Mednichowki, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Water Resources Department, Patna.
2. The Secretary Water Resources Department, Bihar, Patna.
3. The Joint Secretary (Management) Water Resources Department, Bihar, Patna.
4. The Additional Secretary Water Resources Department, Bihar, Patna.
5. The Dy Secretary to the Government Water Resources Department Bihar, Patna.
6. The Engineer-in-Chief, (Headquarter) Water Resources Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Indu Bhushan, Advocate
For the Respondent/s : Mr Anjani Kumar, AAG IV

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 11-11-2022 Heard learned counsel for the petitioner and the
respondents through Virtual Mode.

The petitioner, a Junior Engineer was put under suspension under Memo dated 25.07.2018 issued by the Engineer-in-Chief (Headquarters), Water Resources Department, Bihar, Patna.

Submission of the petitioner's counsel is that after prolonged suspension, charge memo was issued against the petitioner on 05.04.2022. He submits that the petitioner has



submitted his written statement of defence and is participating in the proceedings. He, however, submits that since the suspension now has been continuing for more than 4 years, the petitioner is entitled to consideration under Rule 10 of Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (for brevity, ***Bihar CCA Rules***) for enhancement of the subsistence allowance being paid to him for which the petitioner has made representations for passing of appropriate orders under Rule 10 of the Bihar CCA Rules. Copy of the representation has been enclosed.

Learned State Counsel submits, based on averments made in the counter affidavit, that the petitioner has been directed to appear before the Enquiry Officer to defend the charges and after conclusion of the departmental proceeding, appropriate decision will be taken and communicated to the petitioner.

The Court would find that the petitioner's representation, claiming consideration for enhancement of subsistence allowance during suspension, is required to be considered under Rule 10 of the Bihar CCA Rules, having regard to the long duration of the period of suspension, as noted above.



This writ petition is, thus, disposed of with a direction to Respondent No 2 to take a final decision on the petitioner's claim in accordance with law by a reasoned and speaking order and pay the petitioner dues found admissible as a result of such consideration.

If the petitioner is not found entitled to any enhancement, then also the Authority would be under an obligation to assign reasons in support of the decision.

The entire exercise must be completed within eight weeks from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

M.E.H./-

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