

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21240 of 2021

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Sheo Bhagwan, aged about 58 years old, G- male, Son of Rijhan Sahu,
Resident of Mohalla- Bandhu Bazar, P.O.-Sohsarai, P.S.-Sohsarai, Dist-
Nalanda, Bihar (803118).

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Planning and Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Planning and Development Department, Govt. of Bihar, Patna.
3. The Special Secretary, Planning and Development Department, Govt. of Bihar, Patna.
4. The Deputy Director, Planning and Development Department, Govt. of Bihar, Patna.
5. The Superintending Engineer, Local Area Engineering Organization, Work Division, Gaya, Saran.
6. The Chief Engineer, Local Area Engineering Organization, Work Division, Patna.
7. The Executive Engineer, Local Area Engineering Organization, Work Division 1, Chapra, Saran.
8. The Executive Engineer, Local Area Engineering Organization, Work Division, Gaya Saran.

... .. Respondents

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Appearance :

For the Petitioner : Ms. Alka Verma, Adv.
For the State : Mr. Sanjay Kumar AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-07-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

2. During the course of hearing today, the admitted
position that emerges from the pleadings is that on 19-11-2021
charge memo has been issued. As of today, the situation
contemplated under Rule 9(7) of the Bihar Government



Servants (Classification, Control & Appeal) Rules, 2005 does not exist. Petitioner's counsel, however, makes a grievance, based on reply to the charge memo filed by the petitioner on 08-12-2021 (Annexure-11 series to the writ petition), wherein, the petitioner has raised a grievance regarding non-payment of subsistence allowance.

3. The Authorities, therefore, should take immediate decision on the said claim of the petitioner as the petitioner cannot be expected to participate in the departmental proceedings without giving any subsistence allowance.

4. Let the Authorities pass an order on the claim of the petitioner dated 08-12-2021 for subsistence allowance and pay the admissible due, immediately and preferably within two weeks from the date of receipt/production of a copy of this order.

5. The application stands disposed of with the direction as noted above.

(Madhuresh Prasad, J)

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