

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21357 of 2021

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Rakesh Kumar Son of Rajendra Prasad, Resident of Village-Patnawa Khurd,
P.S. Indrapuri, District Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Joint Secreary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Divisional Commissioner, Bihar, Patna.
4. The Deputy Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
5. The Regional Development Officer Cum Withdrawing and Disbursing Officer, Patna Division, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Akhilesh Dutta Verma
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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

Date : 27-01-2022

The matter is heard *via* video conferencing due to
circumstances prevailing on account of the COVID-19
pandemic.

2. State counsel accept notice for respondents.

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

“1. That the application is for
issuance of a writ in the nature of
mandamus directing the respondent to
revoke the suspension order of the
petitioner vide memo No-2140 dated
16.12.2016 (Annexure-1) issued under the
signature of Principal Secretary



department of Revenue and Land Reforms, Government of Bihar, whereby and where under the petitioner was suspended under Rule 9(1) and Sub-Rule (C) and further Rule-2 and Sub Rule-(Ka) of Bihar Servant Classification Control and Appeal Rule 2005 which is continuing on and from 16.12.2016 and also for enhancement of substance allowance at the rate of 75% after expiry of one year of suspension i.e. come in the fact on and from 16.12.2017 and further for payment of substance allowance as per revised pay scale dated 01.01.2016 on that date when the petitioner was not suspended and for any other relief or reliefs, order or orders, in the nature of writ/ command/ direction in the facts and circumstances of the case.”

4. Petitioner has been placed under suspension on 16.12.2016 and the enquiry is yet to be concluded. Therefore, petitioner is entitled to revoke his suspension.

5. Consequently, the concerned suspending authority is hereby directed to undertake review of suspension by taking note of Apex Court's decision rendered in the case of *Ajay Kumar Chaudhary V. Union of India* reported in **(2015) 7 SCC 291**, within a period of one month from the date of receipt of this order. Such revocation of suspension, if any, is subject to outcome of pending departmental enquiry.

6. The disciplinary authority is hereby directed to expedite the disciplinary proceedings stated to have been initiated against the petitioner within outer time limit of six months. Further



disciplinary authority is hereby directed to examine whether petitioner is entitled to enhanced subsistence allowance or not? In this regard, petitioner’s representation (Annexure-8) be considered.

7. With the above observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

