

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3326 of 2023

=====

Gopal Thakur Son of Late Basant Thakur Resident of Village- Kabela, P.S.-
Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Bihar Patna.
2. The Principal Secretary Rural Development Department, Bihar Patna.
3. The Principal Secretary, Personnel and Administration Department, Bihar, Patna
4. The District Magistrate, Bhagalpur, District- Bhagalpur.
5. The Block Development Officer, Birpur, District- Bhagalpur.
6. The Block Development Officer, Sabour, District- Bhagalpur.
7. The Block Development Officer, Rangara Cghowk, District- Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.
For the State : Mr. Vikash Kumar (Sc11)

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The writ application has been filed seeking payment of due salary from 05-08-2019 being the date on which the petitioner, admittedly, was placed under suspension by Annexure-3. Thereafter on 7.12.2019 (Annexure-4), the respondent- District Magistrate, Bhagalpur, (Respondent No 4) responded to the petitioner's request for revoking his suspension by an order, which reads as follows:-

"श्री ठाकुर द्वारा दिनांक 09.11.2019 को आवेदन



समर्पित करते हुए निलंबन से मुक्त करने का अनुरोध किया गया है/ श्री ठाकुर से प्राप्त आवेदन पर बिचारोपरांत उन्हें आदेश निर्गत होने की तिथि से निलंबन से मुक्त करते हुए इनका पदस्थापन प्रखंड कार्यालय , रंगरा चौक मे किया जाता है / श्री ठाकुर पर विभागीय कार्यवाही पूर्ववत संचालनाधीन रहेगी / निलंबन अवधि के वेतनादि के संबंध मे निर्णय विभागीय कार्यवाही का संचालन पूर्ण होने के उपरांत लिया जायेगा /”

3. It appears form the said order (Annexure-4) itself that the decision with respect to salary for the period of suspension is to be considered after a departmental proceeding have concluded. The petitioner has not stated that the proceeding have yet been concluded.

4. In the circumstances, at this juncture, his claim for salary appears to be without any basis. It is not his case that he has not been paid any subsistence allowance. The Court, therefore, does not find any occasion to issue for any direction.

5. The writ petition is dismissed.

(Madhuresh Prasad, J)

shyambihari/-

U			
---	--	--	--

