

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4228 of 2023

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Pappu Kumar, Son of Shri Uma Shankar, Resident of Village Dumra, P.S.-
Konch, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Magadh Range, Gaya.
4. The Senior Superintendent of Police, Gaya.
5. The Deputy Superintendent of Police, Sherghati, Gaya.
6. The Inspector of Police-cum-S.H.O., Civil Lines Police Station, Gaya, District- Gaya.
7. The Sub Divisional Officer, Gaya Sub Division, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Jitendra Kumar Sagar, Advocate
For the State : Mr. Sanjay Paras Mani, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 26-09-2023

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. It is not clear from the pleadings on record whether the petitioner has been paid subsistence allowance as a result of his reinstatement pursuant to the earlier order of this court dated 18.12.2019 passed in *CWJC No. 10217 of 2019*.

3. Learned counsel for the State has emphatically submitted that the order of this court was clear in its intent that the punishment was being set aside but with a rider that the



consequential benefits shall abide decisions in the proceedings to be initiated afresh.

4. In terms of the court's earlier order, it is apparent from the later orders dated 10.01.2020 and 17.01.2020 that thereafter the petitioner has been reinstated and he has also been posted after revoking his suspension on 17.01.2020. It is also apparent that the proceedings are continuing against him in Departmental Proceeding No. 6 of 2020.

5. Considering the earlier order of the court on the petitioner's earlier writ proceeding, learned counsel for the State is right in his submission that the consequential benefits of setting aside of the earlier punishment order will abide by result in the proceeding being conducted now in Departmental Proceeding No. 6 of 2020.

6. Subsistence allowance, however, is not a consequence of quashing or setting aside of the punishment order. Therefore, the authorities would be obliged to pay to the petitioner subsistence allowance to which he is entitled from the date of the earlier punishment order dated 20.02.2019 till the date of his reinstatement pursuant to the court's order dated 18.12.2019 passed in *CWJC No. 10217 of 2019*, and till conclusion of Departmental Proceeding No. 6 of 2020.



7. It is only the benefits as a consequence of setting aside of the order of punishment dated 20.02.2019, i.e. the differential amount between subsistence allowance and salary payable to the petitioner for this period, which may or may not become due when the proceedings arising out of Departmental Proceeding No. 6 of 2020 is finally decided.

8. With such direction, the writ application is allowed.

9. The admissible amount of subsistence be paid to the petitioner within eight (8) weeks from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

shashank/-

AFR/NAFR	NAFR
CAV DATE	NA
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