

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8913 of 2022

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Rakesh Sharma Son of Late Dashrath Vishwakarma, resident of Village - Jogia Ghughli, P.S.- Ghughli, Dist. - Mahrajanj (Uttar Pradesh), presently resides at 58B, Sector - 3, Jangal Salikram, Shivpur, P.S.- Shahpur, Gorakhpur, (Uttar Pradesh).

... .. Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Co-operative Department, Government of Bihar, Patna.
3. The Additional Secretary, Co-operative Department, Government of Bihar, Patna.
4. The Joint Secretary, Co-operative Department, Government of Bihar, Patna.
5. The Deputy Secretary (Vigilance), Co-operative Department, Government of Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Himanshu Kumar Akela, Advocate
For the Respondent/s : Mr.Sanjay Kumar, AC to GA13

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-04-2023 Heard learned counsel for the petitioner and

learned counsel for the State.

Petitioner, in the present case, is seeking a direction to the respondents to consider the representation for revocation of the suspension of the petitioner. It is submitted that the petitioner is under suspension w.e.f. 09.07.2017.

Learned counsel for the petitioner submits that the departmental proceeding initiated against the petitioner is



pending till date for no fault on his part, therefore the petitioner would also be entitled for enhanced subsistence allowance for the period beyond twelve months of his suspension as per the Rule 10(1)(i) of the Bihar Civil Services (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as the “Service Rules”).

Learned counsel for the petitioner submits that in fact the file relating to revocation of the suspension has already been moved but is pending for decision by the competent authority.

Learned counsel for the State submits that since the petitioner has already made representation before the Principal Secretary, Cooperative Department, Government of Bihar, Patna (Respondent No. 2), this Court may issue an appropriate direction.

Having regard to the submissions noted hereinabove, this Court directs the Principal Secretary, Cooperative Department, Government of Bihar, Patna (Respondent No. 2) to consider the desirability of keeping the petitioner under suspension even after 5½ years, examine his representation as contained in Annexure ‘6’ to



the writ application and pass a reasoned order thereon within a period of two months from the date of receipt/production of a copy of this order.

Respondent no. 2 shall also consider the payment of subsistence allowance to the petitioner as per his claim in accordance with the applicable Rules.

This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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