

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11875 of 2019

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Suresh Paswan Son of Late Shyamdeo Paswan Resident of Officer's Flat,
Block-A, Plot No. 210, Bailey Road, P.S.- S.K. Puri, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
4. The Principal Secretary, Department of Welfare, SC/ST Welfare Department, Govt. of Bihar, Patna.
5. The Under Secretary, Department of SC/ST Welfare Govt. of Bihar, Patna.
6. The Under Secretary, Department of General Administration, Bihar, Patna.
7. The Additional Chief Secretary, General Administration Department, Bihar, Patna.
8. The District Magistrate-cum-Collector, Patna.
9. The Senior Superintendent of Police Patna.
10. The Deputy Superintendent of Police, Vigilance of Investigation Bureau, Bihar, Patna.
11. The Deputy Director, Headquarter, Schedule Caste and Schedule Tribe, Welfare Department, Bihar, Patna.
12. The Joint Secretary, Department of SC/ST, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Shashi Priya, Advocate
For the Respondent/s	:	Mr. Saroj Kumar Sharma, AC to AAG-3
For the Vigilance	:	Mr. Arvind Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 11-09-2023 Heard Ms. Shashi Priya learned counsel for the

petitioner and Mr. Saroj Kr. Sharma, learned AC to AAG-3 for

the State.

2. The prayer is for the following reliefs:-



(i) For issuance of writ/writs, order/orders, direction/directions, in the nature of writ of certiorari setting aside the order dated 16.01.2017 passed by the Joint Secretary Department of SC/ST Welfare, Government of Bihar, Patna, respondent No.12 vide Memo No.531, whereby and whereunder the petitioner was put under suspension due to lodging of criminal case by the Department of Vigilance.

(ii). For issuance of writ/writs, order/orders, direction/directions, in the nature of writ of mandamus commanding and directing the respondents to immediately revoke the suspension of the petitioner, which has been illegally charge against the petitioner for commanding the respondents after setting aside the suspension letter immediately and pay all the salary and other consequential benefit to the petitioner.

(iii). For issuance of writ/writs, order/orders, direction/directions, in the nature of writ of mandamus commanding and directing the respondents to reinstate the petitioner on his post and immediately accept the joining of the petitioner since he has been illegally suspended by the department.

(iv). For any other relief/reliefs to which the petitioner was found entitled in the facts and circumstances of the case.



3. At the outset, learned counsel for the State counsel submits that suspension now stands revoked on 02.12.2019 and subsistence allowance has also been paid.

4. Learned counsel for the petitioner accepts that suspension has been revoked but disputes as regard to the second contention that the subsistence allowance has been completely paid inasmuch as her case is that some amount relating to period prior to 2019 still has to be paid. By way of second supplementary affidavit, she has brought on record the representation duly received in the office of Additional Chief Secretary, General Administration Department, Bihar, Patna (Annexure-14) on 14.06.2019 to submit her point.

5. Learned counsel for the State submits that to his knowledge the entire payment has been made but if any due still remains the same shall be cleared.

6. In that view of the matter, learned counsel for the petitioner will be filing a detailed representation within four weeks from today relating to payment of the subsistence allowance which according to him still remains. If the said representation is filed, the State shall be duty bound to pass necessary order and clear the dues, if pending, within a period of eight weeks from the date of filing of the representation.



7. The writ petition stands disposed of with the aforesaid observation.

8. Before parting this Court would like to put on record its word of appreciation for Ms. Shashi Priya, learned counsel appearing on behalf of the petitioner, for proper assistance rendered by her.

(Rajiv Roy, J)

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