

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10064 of 2022

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Jawahar Lal Prasad son of Late Yamuna Prasad, Panchayat Secretary under suspension, Turkauliya West), resident of Ward No. 10, Noneya Mahato Tola, Noneya, Noniya, East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj, Govt. of Bihar, Patna.
2. The District Magistrate, East Champaran, Motihari.
3. The District Panchayat Raj Officer, East Champaran, Motihari.
4. The Sub Divisional Magistrate, Sadar Motihari, District-East Champaran.
5. The Block Development Officer, Phenhara, East Champaran, Motihari.
6. The Block Development Officer, Turkauliya, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rashmi Jha, Advocate
For the Respondent/s : Mr.Akash Raj, AC to GA-5

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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 has moved this court seeking a direction to the respondent authorities to consider revocation of his suspension. He has questioned the order of suspension and prayed for a further direction to the respondents to pay him the subsistence allowance.

A counter affidavit has been filed on behalf of the State. It is stated that the suspension of the petitioner has already been revoked and he has been posted at Ramgadhwa Block



office. As regards the subsistence allowance, it is stated that the petitioner did not remain present at the office fixed under suspension as such subsistence allowance could not be paid to him. In support of their contention the respondents have enclosed the absentee of the petitioner from the office concerned as Annexure 'D' to the counter affidavit.

The copy of the counter affidavit was served upon learned counsel for the petitioner as back as on 28.11.2022 but there is no denial of the statement made in the counter affidavit supported by Annexure 'B' to the counter affidavit, therefore, this Court is not inclined to pass any order directing the respondents to pay subsistence allowance to the petitioner. The main relief has already been granted to him.

So far as the disciplinary proceeding is concerned, this Court directs the disciplinary authority to conclude it and pass a reasoned order within a period of six months from the date of receipt/communication of a copy of this order.

This application is, thus, disposed of accordingly.

(Rajeev Ranjan Prasad, J.)

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