

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9131 of 2023

Vijay Kumar, Son of Late Banaras Prasad (Bihar Administrative Service),
Former Executive Officer, Nagar Parishad, Barbiga and Nagar Nagar
Panchayat Sheikhopur Sarai. R/o Village- Kajichak, Post- Ramnathpur, Police
Station-Sarmera, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Urban Development and Housing Department, New Secretariat (Vikash Bhawan), Patna.
2. The Principal Secretary, General Administration Department, Old Secretariat, Patna.
3. The Deputy Secretary, UDHD, New Secretariat(Vikash Bhawan), Patna.
4. The District Magistrate, Sheikhpura.
5. The Executive Officer, Nagar Parishad Barbiga, District- Sheikhpura.
6. The Divisional Commissioner, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Sharan, Advocate
For the Respondent/s : Mr.Kinkar Kumar (SC-9)

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 2 19-07-2023 1. Heard learned counsel for the petitioner and learned State counsel.
2. Learned counsel for the petitioner is permitted to implead the Divisional Commissioner, Patna as respondent No. 6.
3. The petitioner was placed under suspension by an order dated 16-11-2022 issued by the General Administration Department, Government of Bihar.
4. Petitioner is a member of the Bihar Administrative



Service. It is his grievance that he has submitted his joining before Commissioner of Patna Division, however till date, he has not been paid any subsistence allowance.

5. It is submitted by learned counsel for the petitioner that earlier there was an issue of incorrect name being mentioned in the orders which also has since been corrected on 22-12-2022 (Annexure – 7).

6. The grievance therefore is non-payment of subsistence allowance for which he has made an application dated 13-05-2023 (Annexure-8) before the Executive Officer, Nagar Prarishad, Begusarai (Respondent No. 5) requesting for issuance of last pay certificate to facilitate payment.

7. Since the issue is likely to be resolved by order to be passed upon the petitioner's representation dated 13-05-2023, the Court would find that keeping the writ petition pending would serve no useful purpose.

8. The Divisional Commissioner, newly added respondent No. 6, as well as the Executive Officer (respondent No. 5) are directed to take appropriate action and pass a speaking order on the petitioner's representation dated 13-05-2023, so as to facilitate payment of admissible dues, if any of subsistence allowance, within eight (8) weeks from receipt/production of a



copy of this order.

9. The writ petition is allowed with the above directions.

(Madhuresh Prasad, J)

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