

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12740 of 2022

Sanjay Kumar Son of Sri Ram Chandra Paswan, Resident of At and P.O. -
Nirmali, Ward No. 6, Nehru Marg, P.S. - Nirmali, District - Supaul.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
3. The Deputy Secretary Municipal Administration Urban Development and Housing Department, Govt. of Bihar, Patna.
4. The District Magistrate, Supaul.
5. The Nagar Panchayat, Nirmali, Supaul through its Executive Officer.
6. The Executive Officer, Nagar Panchayat, Nirmali, Supaul.

... .. Respondents

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 11-05-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, in the present case, is seeking the following
reliefs:-

“(i) For issuance of writ(s) or direction(s) or order(s) upon the respondent authorities for revoking the order of suspension of the petitioner issued vide memo no. 958-2 dated 17.12.2020 issued by Executive Officer, Nagar Panchayat, Nirmali, which is illegally being carried on up till now and that, too, without issuing any charge-sheet against the petitioner in the above regard till date as also in the absence of any order of modification/extension of the above order of suspension dated 17.12.2020. Photocopy of memo no. 958-2 dated 17.12.2020 is annexed and marked as Annexure 1 to this writ application.

(ii) For issuance of direction upon the respondent



authorities to make payment of subsistence allowance to the petitioner, which was not paid to the petitioner for the period from 17.12.2020 to 31.01.2021 and, thereafter, since 01.12.2021 to till today, which is wholly illegal, arbitrary and inhuman.

(iii) For issuance of direction upon the respondent authorities to make payment of arrear of salary on account of 6th Pay Revision for the period up to 16.12.2020 already paid to other employees as also full salary for the period 18.10.2020 to 16.12.2020 not paid to petitioner.

(iv) For issuance of such other order(s), direction(s), relief(s) as your Lordship may deem fit and proper in the facts and circumstances of the case.”

Having regard to the facts that the petitioner is under suspension since 17.12.2020 (Annexure ‘1’ to the writ application) and till date no disciplinary proceeding has been initiated against the petitioner, this Court directs the Executive Officer, Nirmali to consider the request of the petitioner to revoke his suspension. The petitioner has made representation in this regard as contained in Annexure ‘25’ and ‘26’ of the writ application which must be looked into and decided by a reasoned order within a period of two months from the date of receipt/production of a copy of this order.

It is made clear that if it is found that the petitioner has been kept under suspension for all these periods since 17.12.2020 without serving any memo of charge and initiation of a proceeding against him, he would be entitled for all consequential benefits.



This writ application stands disposed of accordingly.

Let a copy of this order be communicated to the
Executive Officer, Nirmali (Respondent no. 6) by the petitioner
either in person or by post or e-mail.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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