

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19843 of 2015

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Md. Gulam Sarwar Son of Md. Yunus Resident of Mohalla - Sara Mahammad
Post Office - Sara Mohanpur, Police Station - Sadar Thana Darbhanga,
District - Darbhanga, Pin Code – 846007.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Director in Chief, Health Services, Bihar, Patna.
3. The Principal, Darbhanga Medical College, Darbhanga, Laheriasarai,
Darbhanga.
4. The Professor Cum Head of the Department, Department of Anatomy,
Darbhanga Medical College, Laheriasarai, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar Singh, Adv.
	:	Mr. Upendra Kumar Singh, Adv.
For the State	:	Mr. Gyan Prakash Ojha, GA-7.
	:	Mr. Ajit Kumar, AC to GA-7.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-02-2023 Learned counsel for the petitioner and learned counsel
for the State appeared.

The petitioner has filed the present writ application to
direct respondent no.2 and 3 to pay his salary from the date of
his illegal suspension period and further to pay the interest @
12% upon the said amount till the date of full and final payment
in addition to that petitioner has also prayed to make payment of
revised salary with other consequential benefits.

Counsel for the petitioner submits that petitioner was
initially appointed on 01.01.1976 as Laboratory Sweeper,

Department of Anatomy, Darbhanga Medical College and subsequently declared as permanent employee on 02.01.1979. He was granted first time bond promotion with effect from 02.01.1989. In the year 1996 he fell ill and suspected cancer, thereafter, started visiting Mumbai and here and there for his treatment. It has been informed to him that with effect from 11.06.1996 he was treated as absent from his duty and, therefore, suspended vide suspension letter dated 22.07.1996. He submitted his explanation on 30.07.1996 and in the year 1999 he has filed representation for revocation of his suspension. Counsel for petitioner submits that during pendency of writ application the suspension of petitioner was revoked and he was retired also but till date no subsistence allowance has been paid.

Counsel for the State submits that till date counter affidavit has not been filed in this case.

In this background, this application is disposed off with a direction to the petitioner to file representation before respondent no.2 and 3 who in co-ordination with each other and also considering Bihar CCA Rules, 2005 (Rule 10) under which petitioner is entitled for subsistence allowance during suspension alongwith other post retiral dues be considered and

decide the representation with reasoned and speaking order within 6 weeks from the date of receipt of representation and assure the payment of admissible dues of petitioner within 4 weeks thereafter, otherwise petitioner shall be entitled for 9% interest on the admissible dues and the same amount shall be realized from the pocket of respondent no.2 and 3. This liberty is granted to the State.

With this direction, the writ application is hereby disposed off.

(Dr. Anshuman, J.)

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