

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16463 of 2022

=====

Md. Umran Son of Md. Majid Hussain, Resident of Ward No. 9, Village Sirsi,
P.S. Khudabandpur, District Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Home Department, Government of Bihar, Patna.
2. The Secretary, Home Department, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The Inspector General of Police, Head Quarter, Government of Bihar, Patna.
5. The Deputy Inspector General of Police, Munger, Government of Bihar, Patna.
6. The Superintendent of Police, District Munger.
7. The S.D.P.O., Sadar Munger, District Munger.
8. The Deputy Superintendent of Police, (HQ), Munger, District Munger.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Akhilesh Dutta Verma, Advocate
For the State : Mr. Ajay Kumar, AC to GP- 4

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 21-09-2023 1. Heard learned counsel for the petitioner and
learned counsel for the State.

2. Learned counsel for the petitioner after some
argument submits that the suspension by now, as a result of its
continuance by Munger Range Order No. 152/2023 dated 08-
06-2023, has continued for very long time. The suspension has
been prolonged not for any reasons attributable to the petitioner,
but because the Authorities themselves have committed lapses
in the proceedings at the stage of Rules 17 & 18 of the Bihar



Government Servants (Classification, Control & Appeal) Rules, 2005 (for brevity the 'CCA Rules, 2005'), which is evident from the order dated 15-05-2023, passed on petitioner's appeal. For such continuation of suspension, petitioner cannot be deprived of subsistence allowance in terms of Rule 10 (1) of the CCA Rules, 2005.

3. Learned counsel for the State, on the other hand, submits that these issues can only be considered if an application is made in accordance with law before the competent authority.

4. There being no application on record, this Court would allow the petitioner liberty to raise the issue before the competent authority in accordance with law.

5. Accordingly, writ petition is disposed of.

(Madhuresh Prasad, J)

Raj Kishore/-

U			
---	--	--	--

