

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4816 of 2024

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Wakil Akhtar Son of late Md. Sattar, Resident of village and P.O. - Khorī Pakar, P.S. Patahi, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar Through the Secretary(Home), Government of Bihar, Main Secretariat, Patna.
2. The Director General of Police, Department of Home, Police Bhawan, Bailey Road, Patna.
3. Deputy Inspector (Personnel), Bihar, Patna.
4. Deputy Inspector General of Police, Saharsa.
5. Superintendent of Police, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shivendra Kishore, Sr.Advocate
		Mr.Nafisuzzoha, Advocate
For the Respondent/s	:	Mr.Government Pleader (5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-04-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) For quashing of Madhepura District Order No.626/2023 memo No. 955 dated 12.06.2023 whereby and whereunder petitioner has been placed under suspension with retrospective effect from 03.06.2023 for the charge of unauthorized absence from duty, arbitrariness, dereliction of duty showing not being a good constable by fixing police line, Singheshwar Madhepura as its head quarter during the period of suspension.

(ii) For holding and declaring that the order of



punishment dated 12.06.2023 lost its life on 12.09.2023 in terms of Rule 9(7) of C.C.A. Rule, 2005 and the order of suspension shall be deemed to have been revoked since the disciplinary authority failed to frame charge against the petitioner within a period of 3 months.

(iii) For a direction on the respondents to allow the petitioner to discharge duty of the post of constable, Police Line, Singheshwar w.e.f. 13.09.2023 with consequential benefits.

(iv) For a direction on the respondents to pay the petitioner subsistence allowance for the period of suspension and salary consequent upon revocation of order of suspension w.e.f. 12.09.2023.

(v) For a direction on the respondents to consider restoration of order of promotion to the post of A.S.I. which was earlier granted but was kept in abeyance for expiry of effect of punishment order.”

2. At the outset, the learned senior counsel for the petitioner submits that since the order of suspension of the petitioner has stood revoked, during the interregnum period, the present writ petition has been rendered infructuous, however, the petitioner be granted liberty to challenge the order, whereby and whereunder his promotion has been cancelled. Liberty so



sought is granted.

3. As far as the issue regarding payment of subsistence allowance for the period of suspension, is concerned, in case the same has not yet been paid to the petitioner, the disciplinary authority shall take a decision with regard to the same, within a period of two weeks from today and in case any outstanding amount of subsistence allowance is found payable to the petitioner, the same shall be paid within a period of two weeks, thereafter.

4. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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