

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12490 of 2024

Manohar Kumar Son of Ghanshyam Singh, Village- Dahiyawa, Jagdamba
Road, P.S.-Chapra Town, Dist.-Saran, Chapra. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar.
2. District Magistrate Saran Chapara.
3. The District Incharge General Administration Department, Saran Chapra.
4. The Deputy Collector Establishment Saran Chapra.
5. The Sub Divisional Officer Sonapur, Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad No.1, Advocate
For the Respondent/s : Mr. Ajay Behari Sinha, GA 8

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 22-08-2024 Heard Mr. Bhola Prasad No.1, learned counsel

 appearing on behalf of the petitioner and Mr. Ajay Behari

 Sinha, learned GA 8 for the State.

2. Learned counsel appearing on behalf of the
petitioner informs that vide Memo No.575 dated 09.07.2024, the
petitioner has been put under suspension without serving him a
copy of show cause giving him to explain as to why a
departmental proceeding is required to be initiated against him.
Petitioner as per the instruction is on date is not being paid even
subsistence allowance and faced with penal consequence,
petitioner has been forced to file the present writ petition.

3. Mr. Ajay Behari Sinha, learned GA 8 appearing on
behalf of the State informs that from the suspension order, it
would appear that there is a direction for payment of subsistence



allowance to the petitioner and in case, the petitioner in spite of the said order, is not getting subsistence allowance, the authority will ensure to make payment of subsistence allowance to the petitioner. However, the writ petition is pre-mature and is fit to be dismissed.

4. Having heard the rival submissions made on behalf of the parties as well as the requirement of the State Government is to make payment of subsistence allowance in accordance with Rule 9 of Bihar Government Servants (Classification, Control & Appeal) Rules, 2005, if any government employee has been suspended in contemplation of disciplinary proceeding. The authority concerned is directed to verify from the records, as to whether, the petitioner is being paid subsistence allowance in light of the order contained in Memo No.575 dated 09.07.2024 and conclude the disciplinary proceeding expeditiously in accordance with law.

5. With above extent the order is interfered with. The writ petition is, accordingly, disposed of.

(Purnendu Singh, J)

Sanjay/-

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