

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15231 of 2022

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Choudhary Ram Son of Late Kari Ram Resident of Indira Nagar, Thalwara,
Hanuman Nagar, Darbhanga, Bihar- 846002.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Joint Secretary-cum- Director (Consolidation), Revenue and Land Reforms Department, Government of Bihar, Patna.
4. The District Magistrate, Gopalganj.
5. The Assistant Collector, Gopalganj.
6. The Secretary to the Commissioner, Saran Division, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Nikhil Kumar Agrawal, Advocate Ms.Aditi Hansaria, Advocate Ms.Nutan Kumari Sharma, Advocate
For the Respondent/s	:	Mr.Md. Khurshid Alam (Aag 12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-03-2024 1. The present writ petition has been filed seeking the
following relief(s):-

*“1(i) To issue an appropriate
writ/order/direction in the nature of Mandamus
directing the Respondent Authorities to
forthwith pay the subsistence allowance to the
Petitioner for the period of suspension ie. from
14.06.2019 to 25.01.2021;*

*(ii) To issue an appropriate writ/order/direction
in the nature of Mandamus directing the
Respondent Authorities to forthwith pay the*



entire salary to the Petitioner for the period of his suspension ie. from from 14.06.2019 to 25.01.2021 as the punishment order dated 22.12.2021 merely provides for reduction of 5% pension for a period of 5 years and does not provide any punishment with regard to the period of suspension;

(iii) To issue an appropriate writ/order/direction in the nature of Mandamus directing the Respondent Authorities to issue a fresh last pay certificate to the Petitioner taking the last pay of the Petitioner as Rs. 49000/- (being the full salary of the Petitioner) and to calculate all the retiral benefits of the Petitioner on the basis of such revised last pay certificate.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the respondent no.2 i.e. the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna, by filing appropriate representation. Liberty so sought is granted.

3. It is needless to state that in case the petitioner files appropriate representation, before the respondent no.2 i.e. the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna, agitating his grievances, regarding non-payment of full salary for the period



of suspension in terms of the Rule 11 of the Bihar Government
Servant (Classification Control and Appeal) Rules, 2005, as also
for fixation of last pay, as per the pay he was getting just prior to
his retirement and for revision of his pension, the respondent
no.2, i.e. the Additional Chief Secretary, Revenue and Land
Reforms Department, Government of Bihar, Patna shall
consider the same and pass appropriate orders thereon, within a
period of six weeks, thereafter.

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

(Mohit Kumar Shah, J)

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