

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14332 of 2024

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Kumar Pranav Late Mithilesh Singh Village- Ariipur, P.S.- Kudhani, District-
Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate-Cum-Collector, Muzaffarpur.
2. The District Magistrate-Cum-Collector, Muzaffarpur.
3. The Sr. Superintendent of Police, Muzaffarpur
4. The Sub-Divisional Officer, East Muzaffarpur.
5. The Circle Officer, Kudhani, District-Muzaffarpur
6. The Station House Officer, Kudhani Police Station, Muzaffarpur.
7. The Treasury Officer, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.
For the Respondent/s : Mr. Government Pleader (18)

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 25-09-2024 It is contended on behalf of the petitioner that

petitioner was a Chowkidar, posted in Circle Office, Kudhani in

the District of Muzaffarpur.

2. A Vigilance Case was instituted against him being

Vigilance Case No. 29 of 2023, on the basis of a complaint on
17th August, 2023. The petitioner was taken into custody in the
said case and he was suspended. Thereafter, disciplinary
proceeding was initiated against the petitioner as well as against
the Circle Officer, where he was posted.

3. The petitioner has filed the instant writ petition



praying for issuance of a writ in the nature of certiorari to quash the order contained in Memo No. 5489, dated 29th September, 2023, issued by the Senior Superintendent of Police, Muzaffarpur, by which the petitioner was suspended and the departmental proceeding was initiated against the petitioner. Taking into account that the said departmental proceeding was initiated with mala fide intention without considering the actual facts and circumstances.

4. Since a departmental proceeding has been initiated, this Court is not in a position to quash the order of suspension at this stage till the conclusion of the departmental proceeding.

5. However, it is submitted by the learned counsel for the petitioner that from the date of suspension, he has not been granted any subsistence allowance, which he is entitled in accordance with law.

6. Having heard the learned Advocate on behalf of the petitioner and the learned Advocate on behalf of the State and on perusal of the materials on record, I find that the respondents cannot deny payment of subsistence allowance to the petitioner, as admissible during the period of suspension.

7. Therefore, the instant writ petition is disposed of directing the respondents, specially The Senior Superintendent



of Police, Muzaffarpur, respondent no. 3, to grant and disburse the admissible subsistence allowance to the petitioner from the date of his suspension.

8. Such amount shall be released within 21 days from the date of this order. Thereafter, the Senior. Superintendent of Police, Muzaffarpur, respondent no. 3 shall go on paying the subsistence allowance till the conclusion of the disciplinary proceeding.

9. Since disciplinary proceeding was initiated w.e.f. 29th September, 2023 and about one year has elapsed, disciplinary proceeding has not been conclude, the disciplinary authority is directed to conclude the disciplinary proceeding positively within six months from the date of this order.

10. The petitioner is at liberty to approach this Court, if there is any grievance against the order of disciplinary proceeding, after exhausting his right of Appeal and Memorial review.

(Bibek Chaudhuri, J)

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