

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14316 of 2023

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Upendra Singh Son of Late Anup Lal Singh, resident of Village-Chandra Nagar, P.S.-Muffasil, District-Khagaria, at present suspended Panchayat Secretary Khagaria Sadar Block.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration, Govt. of Bihar. Patna.
2. The District Magistrate, Khagaria.
3. The District Panchayat Raj Officer, Khagaria.
4. The D.D.C. Khagaria.
5. S.D.O. Khagaria.
6. Block Development Officer Alauli, Khagaria.
7. The Block Development Officer, Sadar, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar, Adv.
For the Respondent/s	:	Mr.P.K. Verma, AAG-3
		Mr.Saroj Kr. Sharma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-04-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1.a. To quash/set aside the order passed by the District Magistrate, Khagaria (respondent no.2) issued vide memo no.1035 dated 24.05.2022 (Annexure-P/4) whereby and whereunder the respondent no.2 suspended the petitioner and memo no.1237 dated 18.06.2022 (Annexure-P/5) issued by respondent no.2 by which initiate departmental proceeding against the petitioner which seems to be malafide and arbitrary.

b. To command and direct the respondent to



reinstate the petitioner with all consequential benefits.

c. To direct the respondent to make payment of salary due from March, 2016 to May, 2021 and July, 2021 to 23.05.2022.

d. To direct the respondents to grant due A.C.P. i.e. 1st and 2nd A.C.P. and other consequential benefits as other similar persons have been given.”

2. At the outset, the learned counsel for the parties are in agreement that the present writ petition can be disposed off with a direction to the Disciplinary Authority to dispose off the pending departmental proceeding in question, by passing the final order order, within a period of six months from today, failing which the order of suspension dated 24.05.2022, passed by the District Magistrate, Khagaria, qua the petitioner herein, shall stand revoked automatically. It is directed accordingly.

3. At this juncture, the learned counsel for the petitioner submits that the petitioner has not been paid a single penny on the head of Subsistence Allowance, hence the respondents be directed to make payment of the outstanding amount of Subsistence Allowance, within a fixed time frame. In view of the aforesaid, I deem it fit and proper to direct the District Magistrate, Khagaria to ensure payment of the admitted



outstanding amount of Subsistence Allowance to the petitioner, within a period of two weeks from today.

4. The learned counsel for the petitioner further submits that some outstanding amount of salary for the period prior to the passing of order of suspension dated 24.05.2022, is due for payment, hence the respondents be also directed to make payment of the admitted outstanding amount of salary.

5. It is needless to state that in case any admitted amount of arrears of salary is due for payment to the petitioner, the same shall also be paid by the District Magistrate, Khagaria, within a period of two weeks, from today.

6. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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