

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15522 of 2023

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Ajay Kumar Mishra Son of Late Maheshwar Mishra Resident of Village-Pali Basaith, Police Station-Benipatti, District-Madhubani.

... .. Petitioner/s

Versus

1. The Rahika Central Co-operative Bank Ltd., Madhubani through its Managing Director having its Head Office at Madhubani
2. The Managing Director, Rahika Central Co-operative Bank Ltd., Madhubani.
3. The Board of Directors, The Rahika Central Co-operative Bank Ltd., Madhubani.
4. The Registrar, Co-operative Societies, Bihar, Patna.
5. The District Co-operative Officer, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Pushpendra Kumar Singh, Adv. Mr.Aman Kumar, Adv.
For the Respondent/s	:	Mr.Amit Prakash, GA-13
For the Bank	:	Mr.Vikash Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-04-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1.(i) A writ in the nature of mandamus commanding and directing the Respondents concerned to revoke the suspension of petitioner which was effected by Office Order bearing Memo No. 709 dated 12.04.2021 issued under the signature of Respondent No. 2 in contemplation to criminal case bearing Benipatti Police Station Case No. 50 of 2021 dated 14.03.2021 and during suspension period his Headquarter has been fixed at Branch Basopatti of the Bank but having



elapsed of more than 3 years till date even charge memo has not been served nor departmental proceeding has been initiated as yet rather suspension is prolonging without any rhyme or reason.

(ii) For direction upon the Respondents concerned specially Respondent No. 2 to pay the subsistence allowance during suspension period since 12.04.2021 to 31.03.2022 as subsistence allowance of the aforesaid period has not been paid as yet.

(iii) For that Respondent Bank may be directed to conclude the proceeding within time frame as petitioner is going to superannuate from service within one year and due to pendency of suspension his post retiral benefit will adversely been effect.”

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 conclude the pending departmental proceeding by passing the final order, within a period of six months from today, failing which, the order of suspension dated 12.04.2021, shall stand revoked automatically. It is directed accordingly.

3. At this juncture, the learned counsel for the petitioner submits that the respondents be directed to make



payment of the subsistence allowance for the period of suspension.

4. Having regard to the aforesaid prayer of the petitioner regarding payment of subsistence allowance, I deem it fit and proper to direct the Managing Director, Rahika Central Co-operative Bank Limited, Madhubani, to consider the case of the petitioner for grant of subsistence allowance and pass a reasoned and a speaking order, in according with law, within a period of four weeks of receipt/production of a copy of this order.

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

(Mohit Kumar Shah, J)

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