

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18501 of 2022**

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Mukesh Kumar Son of Late Yadunandan Singh, Resident of Village- Naula,  
Police Station- Bhagwanpur, District- Begusarai, presently suspended Clerk  
in the office of Block Office Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Rural Development, Government of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Sub Divisional Officer, Pupri, District- Sitamarhi.
4. The Block Development Officer, Nanpur, District- Sitamarhi.
5. The Block Development Officer, Dumra, District- Sitamarhi.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Arun Kumar, Advocate  
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      03-01-2024                      The present writ petition has been filed seeking the  
following reliefs:-

*“(1) (i) For issuance of a writ in the nature of Mandamus commanding and directing upon the Respondents concerned specially Respondent No. 2 to take final decision in the pending Departmental proceeding against the petitioner in which despite having submitted reply to the second show cause on 04.10.2019 till date no final decision has been taken as yet causing prolonging the suspension of the petitioner without any rhyme and reason.*

*(ii) For issuance of further direction upon the petitioner to revoke the suspension of the petitioner as the same is*



*prolonging in absence of taking final decision by the Respondent Disciplinary authority i.e. Respondent No. 2 as after conducting departmental enquiry, Enquiry Officer has submitted enquiry report having not found proved the alleged charges levelled against the petitioner. (iii) For further direction upon the Respondent concerned to pay the due subsistence allowance since 06.12.2017 to May 2019 as the petitioner has been suspended w.e.f. 06.12.2017 but subsistence allowance @ 50% has only been paid since June 2019 to up till now and despite having represented for enhancement of subsistence allowance after completion of one year and onwards no decision has been taken in this regard causing much financial constraint to the petitioner.”*

2. At the outset, the learned counsel for the petitioner has limited the relief sought for in the present writ petition to issuance of a direction upon the disciplinary authority, i.e. the District Magistrate, Sitamarhi to conclude the departmental proceeding, initiated vide Record No.02 of 2018, as also to pay the outstanding amount of subsistence allowance, in the meantime.

3. Having regard to the limited prayer made by the petitioner in the present writ petition, I deem it fit and proper to direct the disciplinary authority, i.e. the District Magistrate, Sitamarhi to conclude the aforesaid departmental proceeding, by passing the final order, in case the same has not yet been passed,



within a period of three months of receipt/production of a copy of this order. It is further directed that in case any admissible subsistence allowance is due and outstanding to be paid to the petitioner, the same shall be paid, within a period of two weeks of receipt/production of a copy of this order.

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

**(Mohit Kumar Shah, J)**

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