

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.96 of 2020

In
Civil Writ Jurisdiction Case No.20142 of 2019

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1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
 2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
 3. The Special Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
 4. The District Magistrate, Gaya.
 5. The Sub-Divisional Officer, Sadar Gaya.

... .. Petitioner/s

Versus

Niraj Kumar Seth Son of Shri Madan Mohan Seth Permanent Resident of Shiv Mandap Tola, P.O. and P.S.- Tamar, Ranchi, Jharkhand- 825225, Presently residing at Lakhibag, Bullashaid, Manpur, Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sajid Salim Khan, SC-25
For the Opposite Party/s : Mr.Sajid Salim

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 19-06-2025 Heard Mr.Sajid Salim Khan, learned Senior counsel

and Standing Counsel 25, represent the State, who has preferred

the present review petition for :-

*“That this is review petition on behalf of the
order/judgment dated 13.12.2019, passed by the
Hon’ble Mr. Justice Chakradhari Sharan Singh
in CWJC No.20142 of 2019.”*

2. As per the story, the Circle Officer (sole respondent), Wazirganj, Gaya was put under suspension on 30.08.2017, alleging that he issued caste certificate without



proper verification.

3. In the year 2019, he preferred CWJC No. 2014 of 2019, alleging that though chargesheet was served upon him on 18.12.2017, he has not been paid any subsistence allowance nor any inquiry officer has been appointed, let alone appointment of the presenting officer. The matter was taken up by the writ court and after recording the contents of the counter affidavit, wherein casual statement was made that the departmental proceeding drawn against him is under consideration of the department and in due course after adopting procedure required for its conclusion, the said proceeding would be disposed off.

4. Recording that it is complete inaction on the part of the respondents and in that background, the order of suspension as also the framing of charge were quashed by the writ court with further direction to reinstate the petitioner with arrears of subsistence allowance within four weeks. Additionally, the respondents were directed to pay a cost of Rs.10,000/-, within the said period.

5. Subsequently, as the departmental proceeding was quashed, the sole respondent was reinstated. The State is aggrieved by the cost that has been imposed upon him.

6. This Court has gone through of the facts of the case



as also observation of the writ court. An Officer is suspended for a reason, his salary is stopped, in that background, the provision has been made that he is entitled to subsistence allowance so that family may not suffer.

7. However, in the case of the petitioner, he was not paid any subsistence allowance, To make the matter worse, even the Inquiry Officer/Presenting Officer were not appointed for the next two years and in that background, certainly, averments made in the counter affidavit could have been drafted in the better manner.

8. Considering the aforesaid facts, the writ court while quashing the order of suspension as also the departmental proceeding rightly imposed a cost of Rs.10,000/- as an Officer with his family cannot be deprived of the subsistence for long years. It is a small amount which the State Government must compensate and if the payment still has not been made, the same should be paid immediately within the next four weeks.

9. The review petition stands dismissed.

(Rajiv Roy, J)

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