

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3504 of 2017

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Vimla Devi Wife of Late Khosichandra Ram, R/o Vill - Jogachak, P.O. and P.S. - Kauwakol, District- Nawada, retired while working as Panchayat Secretary, Gram Panchayat Raj Rasalpura and Meskaur, Block - Meskaur, District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Nawada.
3. The Deputy Development Commissioner, Nawada.
4. Sub-Divisional Officer, Nawada cum Conducting Officer.
5. The Block Development Officer, Meskaur, District - Nawada cum Presenting Officer.
6. The Block Development Officer, Kashichak, District - Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anshu Dhar Sharma, Adv. Mr. Mukesh Kumar, Adv.
For the Respondent/s	:	Mr. Sudhanshu Bhushan, AC to GP7

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 21-02-2025 Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

2. Learned Counsel for the petitioner submits that the present writ petition has been filed for quashing the order contained in Memo No.1505 dated 12.09.2016 passed by respondent no.2 in the departmental proceedings in which she was exonerated from the disciplinary proceedings, but her payment for the period of suspension has been treated not fit for payment of salary and only for suspension period.

3. Counsel for the petitioner submits that since she has



been exonerated from the charges by the disciplinary proceedings, therefore, payment of only subsistence allowance in the suspension period is bad in law.

4. Counsel for the State opposes and submits that in the counter-affidavit, stand has been taken that the petitioner is entitled for subsistence allowance only, due to the reason that her suspension was found wholly unjustified.

5. In the light of the submissions made, this Court after going through the provisions of Rule 11(3) & (4) of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 which states as follows:-

(3) Where the disciplinary authority is of the opinion that the suspension was wholly unjustified, the Government Servant shall, subject to the provisions of sub- rule (8) of this Rule, be paid such full pay and allowances to which he would have been entitled, had he not been suspended. While making such payment adjustment shall be made in respect of subsistence allowance and other allowances already paid:

Provided that where such authority is of the opinion that the termination of the proceedings instituted against the Government Servant had been delayed due to reasons directly for which the Government Servant is liable, it may, give the Government Servant an opportunity to make his or



her representation and consider the representation, if any, submitted by him or her. After that it may direct, to reasons to be recorded in writing, that the Government Servant shall be paid for the period of such delay only such proportion of such pay and allowances as may be determined by it.

(4) In cases falling under sub-rule (3) of this Rule, the period of suspension shall be treated as a period spent on duty for all purposes.

6. Here in the present case, it is the clear cut direction that where the disciplinary proceedings of the opinion that suspension was wholly unjustified then, only any delinquent shall be entitled for the salary during the suspension period. This is a law laid down in the Bihar C.C.A. Rules, 2005.

7. Upon perusal of the order contained in Memo No.1505 dated 12.09.2016 (impugned) that no such finding of the Disciplinary Authority has come that the suspension was wholly unjustified and it is due to this reason, the relief which has been demanded by the petitioner is not sustainable.

8. With the aforesaid directions and observations, the present writ application stands dismissed.

(Dr. Anshuman, J.)

Prakashmani/-

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