

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18344 of 2023

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Siyaram Paswan Son of Late Banke Paswan, Resident of Karauti Bazar ward
No. 03, P.S. Udakishunganj, District - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate, Madhepura.
3. The Deputy Development Commissioner- cum-Chief Executive Officer, Zila Parishad, Madhepura.
4. The District Education Officer, Madhepura.
5. The District Programme Officer (Secondary Education), Madhepura.
6. The District Programme Officer (Establishment), Madhepura.
7. The Block Education Officer, Udakishunganj, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Akash Anand, Adv.
For the State	:	Mr. Standing Counsel (6)
For the Respondent No.3:	:	Mrs. Sunita Kumari, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-01-2025 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the Respondent

No.3.

2. The present writ petition has been filed seeking the

following reliefs:

- i) For a direction to the respondents to revoke the suspension of the petitioner who has been suspended vide order contained in Memo No.41 dated 29.01.2021 (Annexure-P/1) to the writ petition).*
- ii) For a direction to the respondent to pay the arrear of salary for the period January 2020 to till the date of suspension.*
- iii) For a direction to the respondents to pay the*



subsistence allowance during the suspension with arrears

iv) For a direction to the respondents to reinstate the petitioner after revocation of suspension as there is no chance of conclusion of Departmental proceeding in near future as till date even charge memo (Prapatra-K) has not been served to the petitioner.

v) For grant of any other relief/ reliefs to which the petitioner may be found entitled under the facts and circumstances of the case and in the interest of justice.

3. Learned counsel for the petitioner submits that the petitioner has been suspended vide order contained in Memo No.41 dated 29.01.2021, but till date even charge memo (Prapatra-K) has not been served to the petitioner and the petitioner is also not getting any subsistence allowance during the suspension period. He further submits that the petitioner has not received arrears of the salary of one year prior to his suspension i.e. from January, 2020 to 28.01.2021.

4. A counter affidavit has been filed on behalf of the Respondent No.6 in which no such explanation is given with regard to above mentioned grievance of the petitioner.

5. It is settled principle of law that if a person is suspended then subsistence allowance to the person concerned must be given to him. The respondents are duty bound to follow the government guideline, instruction and the relevant rules and conclude the departmental proceedings, which has been initiated



and pending since January, 2021 i.e. for about three years.

6. Considering the facts and circumstance of the case, the suspension order, as contained in Memo No.41 dated 29.01.2021 (Annexure-P/1), is hereby quashed and the concerned Authority is directed to pay the consequential benefits to the petitioner within three months from the date of receipt/production of a copy of this order.

7. It is made clear that respondent no.6 shall be personally responsible for non-compliance of this order within the stipulated period.

8. With the aforesaid direction, this writ petition stands disposed of.

(Anjani Kumar Sharan, J)

anand/-

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