

**(2002) 03 JH CK 0025**

**Jharkhand High Court**

**Case No:** C.W.J.C. No. 3541 of 2000

Naresh Prasad Singh and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

**Date of Decision:** March 6, 2002

**Hon'ble Judges:** S.J. Mukhopadhaya, J

**Bench:** Single Bench

**Advocate:** Subodh Kumar Jha, Binod Kr. Jha and Arun Kumar Pandey, for the Appellant;

### **Judgement**

@JUDGMENTTAG-ORDER

S.J. Mukhopadhaya, J.

This application has been preferred by the petitioners for direction on the respondents to pay full salary of the period from January. 1999 to December. 1999 and to quash the last part of order dated 20th December. 1999, whereby and whereunder, while order of suspension has been revoked, the District Education Officer. Deoghar ordered that the question relating to payment of salary of the period of suspension will be decided later on and the departmental proceeding will continue.

2. According to the petitioners, a departmental proceeding was initiated because of surprise visit by. Block Development Officer. Palajori on 7th September. 1998. The petitioners were also asked to give explanation. The petitioners were also suspended which was revoked by Impugned order No. 1028 dated 20th December. 1999 passed by the D.E.O.. Deoghar.

3. The case of the petitioners is that in the departmental proceeding, they replied to the allegations whereinafter the Regional Education Officer. Madhupur (Deoghar), the Enquiry Officer made enquiry and submitted report on 3rd April. 1999 holding the petitioners not guilty of the charges.

4. Such finding having given, while the Respondents revoked the order of suspension would not have ordered to continue the departmental proceeding and should have ordered to pay the full salary of the period of suspension.
5. Having regard to the facts and circumstances, as the departmental proceeding is required to reach its finality, the case is remitted to the D.E.O.. Deoghar with direction to ensure that the final order is passed in the departmental proceeding, on an early date, preferably within three months from the date of receipt/production of a copy of this order.
6. On conclusion of such proceeding, the authorities will decide as to what salary to which the petitioner will be entitled for the period of suspension, as per Rule 97 of the Bihar Service Code.
7. The D.E.O.. Deoghar is also directed to decide the claim and pay the salary of the petitioners for the period January. 1999 to December. 1999 within the period of four months.
8. The writ petition stands disposed of.