
(2005) 11 PAT CK 0056

Patna High Court

Case No: CWJC No. 12088 of 2004

Chandan Kumar and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision: Nov. 28, 2005

Citation: (2007) 1 PLJR 290

Hon'ble Judges: Barin Ghosh, J

Bench: Single Bench

Advocate: Ajit Kumar Singh No. 2, for the Appellant; Ambika Bhagat, Kamal Kr. Sinha and Mr. Satyabir Bharti For the State, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

Barin Ghosh, J.

It is surprising that the Executive Officer-cum-Special Officer, Munger Nagar Parishad, Munger has the audacity to call the order passed by the Chairman of the Nagar Parishad revoking the order of suspension of the petitioners as an illegal order. The State Government is directed to initiate appropriate proceedings against the said Executive Officer for the said action on his part. If necessary, the State Government is directed to obtain certified xerox copy of the counter affidavit affirmed by him and filed in this Court in this case.

2. Paragraphs 10 & 11 of that counter affidavit will show that he does not have respect towards his superiors.

3. It appears that the petitioners were suspended at one point of time. The said order of suspension has been revoked. None of them has yet been dismissed from service or discharged therefrom. Neither during the period of suspension any subsistence allowance had been paid to the petitioners, nor after revocation of the order of suspension, one paise has been paid to the petitioners on account of their salaries. The officers of the Nagar Parishad are getting their salaries. The

Superintendent of Nagar Parishad is being paid his salaries. Other persons connected with the Executive Officer-cum-Special Officer are also being paid their salaries.

4. The learned counsel appearing for the Nagar Parishad submitted that the Nagar Parishad is facing financial stringency, and accordingly, has not been able to pay the subsistence allowance or salaries. Not one single statement has been made to that effect in the counter affidavit.

5. I, therefore, ignore such submission. Submission without a plea in regard thereto cannot be considered at all. In such view of the matter, the writ petition is allowed. The respondents are directed to ensure payment of subsistence allowance to the petitioners for the period they remain suspended, salaries for the period after revocation of the suspension and also the arrears of salary, if any, since October, 2002 until the suspension within a period of one month from the date of service of a copy of this order upon the Respondent No. 4, i.e. Executive Officer-cum-Special Officer, Munger Nagar Parishad, Munger.