

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7082 of 2015

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Sita Ram Rajak Son of Sri Mundar Rajak resident of Bhartiya Nagar, Ward
No. 26 Bajrang Bali Road, Saharsa, P.O. + District - Saharsa.

.... Petitioner/s

Versus

1. The Chairman-cum-Disciplinary Authority, Uttar Bihar Gramin Bank
Head Office, Muzaffarpur.
2. The Regional Officer, Uttar Bihar Gramin Bank, Saharsa.
3. The Branch Manager, Jadiathat, Saharsa, District - Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madan Jeet Kumar, Adv

For the Respondent/s : Mr. Prabhakar Jha, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 05-05-2015 Heard learned counsel for the parties as with

regard to the following reliefs, prayed in this writ

application:-

*“For issuance of an appropriate writ directing and
commanding the Respondents to pay full salary of the
petitioner after one year of the suspension.*

*For issuance of an appropriate writ directing and
commanding the Respondent to revoke the suspension of the
petitioner, who has under suspension since 05.12.2001.”*

Learned counsel for the petitioner submits that the

petitioner, on account of pendency of a criminal case has

been placed under suspension since 05.12.2011, when he

was arrested by C.B.I., in a trap case. According to



learned counsel for the petitioner such criminal case is still pending and the petitioner is not aware as to how long the criminal case shall continue. He has, accordingly, submitted that such prolonged suspension of the petitioner should be quashed and the petitioner should be held to be entitled for payment of salary. In this regard learned counsel for the petitioner has also relied on a judgment of this Court in the case of **Shree Bhagwan Singh vs Canara Bank** reported in **2001(1) PLJR 160**.

Learned counsel for the Uttar Bihar Gramin Bank (hereinafter referred to as the Bank) on the other hand has submitted that the order of suspension of the petitioner was unequivocal in its terms and the same shall continue till pendency of the criminal case. He has also relied on clause-30 of the Uttar Bihar Gramin Bank Employees and Officers Service Regulations framed by the Central Government in exercise of power under Section 30 of the Regional Rural Bank, wherein, it has



been clearly mentioned that an officer arrested on a criminal charge was not to be only treated to be under suspension but such suspension shall continue till such date as the competent authority may direct. Learned counsel for the Bank therefore submits that when a serious case like the present one in which the petitioner was arrested on the ground of taking bribe by way of trap by C.B.I., the Bank will not find him suitable to be taken back in service till the conclusion of the criminal case. This Court having regard to the aforementioned stand and submission of the parties would find that the petitioner's suspension was made on 05.12.2011, when he was arrested by the C.B.I. Such suspension shall continue till the continuation of the criminal case. That criminal case is still pending. The petitioner in fact had earlier moved the authority for revocation of suspension that was rejected by order dated 16.08.2013, making the petitioner aware that his such suspension was under clause-30 (i) of the Service Regulation of the Bank. The



petitioner thereafter was also given a show cause notice on 03.02.2014, as with regard to continuation of the suspension and the competent authority of the Bank had again passed the order that the suspension of the petitioner could not be revoked as a criminal case against him was pending before the C.B.I Court in respect of charges of corruption and misconduct. The petitioner in fact was again informed that any order for revocation of suspension would be taken after conclusion of the criminal case. From the records, it is also found that yet another notice was given to the petitioner on 12.01.2015, as with regard to continuation of the order of suspension and when the petitioner has filed his reply a similar order was passed on 12.02.2015 as with regard to continuation of the order of suspension till the pendency of the criminal case.

This Court does not find any error in such procedure adopted by the Bank, inasmuch as, the serious charge being faced by the petitioner of being prosecuted

by the CBI for being caught red handed while accepting bribe, no leniency could be shown to such an employee of the bank.

Reliance placed by the learned counsel for the petitioner on the judgment of this Court in the case of **Shree Bhagwan Singh (supra)** seems to be wholly misplaced, inasmuch as, what was the notice therein or the provision of Shastri Award and Desai Award. But here there is a service regulation framed in exercise of statutory power under clause-30 of the Regional Rural Bank Act. This Special provision having been not available in the case of **Shree Bhagwan Singh (supra)** whatever has been led therein cannot be made applicable to the facts of the present case.

This Court however will not like to now keep the petitioner's fate hanging and therefore, this Court would direct the concerned trial Court to ensure that the trial of the petitioner is taken up on expeditious basis and since it is only the petitioner accused in such case, the same

also must be brought to an end by holding the trial on day to day basis.

The concerned authorities of the CBI are therefore also directed to ensure that the witnesses on behalf of prosecution are produced within a fixed time frame of four months from the date of receipt of this order by the trial Court, whereafter the trial of the petitioner must be concluded within next four months. All effort therefore, should be made by the trial Court to ensure that the trial of the petitioner comes to an end by 31.12.2015.

Subject to the aforementioned observation, this application is dismissed.

Let a copy of this order be sent to the Special Judge-I, CBI, Patna in seisin with R.C. Case No. 22 of 2011 for compliance of the directions in the letter and spirit.

(Mihir Kumar Jha, J)

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