

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7302 of 2015

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Dashrath Paswan S/o Late Manik Paswan, R/o Village & P.O. - Balua, P.S.
- Phulparas, District - Madhubani.

.... Petitioner/s

Versus

1. The Bihar State Road Transport Corporation through its Managing Director, Pariwahan Bhawan, Veer Chand Patel Path, Patna.
2. The Managing Director, Bihar State Road Transport Corporation, Parwahan Bhawan, Veer Chand Patel Path, Patna.
3. The Administrator, Bihar State Road Transport Corporation, Pariwahan Bhawan, Veer Chand Patel Path, Patna.
4. The Divisional Manager, BSRTC, Darbhanga.
5. The Depot Superintendent, BSRTC, Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate.

For the Respondent/s : Mr. Prabhat Kumar Verma, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 08-05-2015

Heard learned counsel for the parties as with regard to

the following relief spayed in this writ application:

"1.(i) For issuance of an appropriate writ/s, order/s & direction/s in the nature of Certiorari for quashing office order no. -43 dated 04.03.2015 contained in Memo no. 241 whereby and under the petitioner has been put under suspension on the ground of his unauthorized absence and violation of orders.

(ii) For issuance of an appropriate writ/s, order/s & direction in the nature of Certiorari for quashing office order no. 112 dated 04.04.2014 whereby and under one Sharna Nand Jha has been made as Divisional Manager, Darbhanga in place of the petitioner who is senior to Sharna Nand Jha;

(iii) For issuance of an appropriate writ/s, order/s & director/s to the respondents to give charge of Divisional Manager to the petitioner who is senior in the division and comes under the purview of memo no. 8412 dated 08.12.1999 issued by the respondent no. 1."



2. Having regard to the fact that the petitioner has basically assailed in this case the order of suspension dated 04.03.2015 wherein a departmental proceeding has also been initiated, this Court is not inclined to interfere with such order primarily on account of that neither it is without jurisdiction nor it can be said to be mala fide.

3. The only submission of learned counsel for the petitioner is that such order of suspension is arbitrary can never be gone into by this Court in exercise of power of judicial review against such order of suspension inasmuch as it is absolutely within the purview and scope of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005. The only way for interference in exercising of such power of disciplinary authority can be that if the departmental proceeding is not initiated after placing a person on suspension because an order of suspension cannot be allowed to continue for an indefinite period.

4. In this case, the order of suspension has been passed only two months back. If the departmental proceeding was also initiated against the petitioner by serving of the memo of charge, this Court can only direct the authorities of the Corporation to ensure that the departmental proceeding against the petitioner must be conducted and concluded expeditiously preferably within

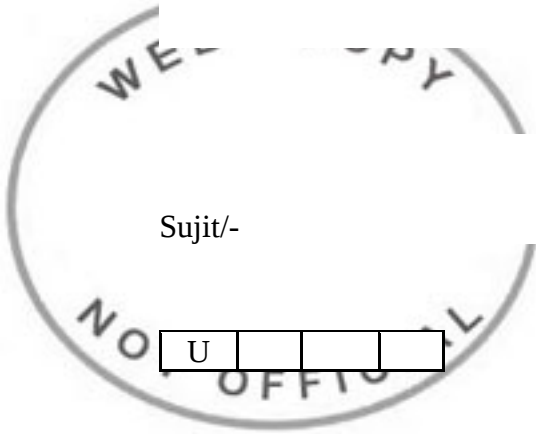
a period of six months from the date of filing of the written statement of defence by the petitioner.

5. The Corporation, therefore, is directed to appoint an inquiry officer within a period of 15 days from the date of receipt of a copy of this order and the petitioner must also file his written statement of defence within a period of three weeks so that the enquiry in departmental proceeding against him may undergo and the inquiry officer also, after adducing of the evidence oral and/or documents, submits his enquiry report within a period of three months from the date of filing of the written statement of defence by the petitioner.

6. Upon receipt of such enquiry report in the aforementioned period, the final decision, after serving of copy of enquiry report to the petitioner and eliciting comments of the petitioner, the findings of the enquiry report must be taken to ensure that a final order in the departmental proceeding, one way or other, is passed by the competent disciplinary authority within a period of next three months from the date of submission of the inquiry report by the inquiry officer.

7. It, however, goes without saying that if the petitioner would remain present at the headquarters fixed under the order of suspension, his subsistence allowance shall also be paid.

5. With the aforementioned observation and direction,
this writ application is disposed of.



Sujit/-

(Mihir Kumar Jha, J)

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