

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22294 of 2013

1. Swastik Kumar Ashutosh Son Of Sri Umesh Chandra Prasad Singh
Resident Of Village - Rashisha, Police Station Ekangarsarai Old Anganbari
(Present) District - Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, District - Nalanda
3. The Deputy Development Commissioner, Nalanda
4. The Programme Officer, Block Hilsa, District - Nalanda
5. The Accountant Block - Hilsa, District - Nalanda
6. The Panchayat Technical Assistant Block Hilsa, District - Nalanda

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh
For the Respondent/s : Mr. Jaishankar Barnwal

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

2 20-03-2015 The learned counsel for the petitioner states that he was suspended by the order of the Deputy Development Commissioner, Nalanda, on 2-5-2013, which suspension is still continuing, and no departmental proceeding has been initiated as yet.

The learned counsel for the petitioner states that this suspension order was issued without notice to the petitioner. In terms of Rule 9(7) of the Bihar Government Servants(Classification, Control & Appeal) Rules, 2005, this

suspension ought to have lapsed on expiry of three months when no chargesheet was issued nor charges framed. But, the authorities in total ignorance of the provision have continued the petitioner's suspension even till date.

In my view, the assertions of the petitioner are serious. I, therefore, direct him to make a representation before the District Magistrate-cum-Collector, Nalanda within one month from today. The District Magistrate-cum-Collector, Nalanda would look into the matter, and if it is found that ,in due time, the departmental proceeding had not been initiated or if there is no formal order, after hearing the petitioner in respect of suspension by way of punishment, the Collector would order immediate revocation of the petitioner's suspension and consequential payments of his remuneration. He would also look into the fact as to why the departmental proceedings have not been concluded, if they had been started.

With this observation, the writ petition stands disposed of.

B.Roy/-

(Navaniti Prasad Singh, J)

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