

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12301 of 2015

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1. Binod Kumar Singh, Son of Jai Narayan Singh, resident of Chamari Road (Amar Bhawan), P.O. Kankarbagh, P.S. Kakarbagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Commercial Taxes Department, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Additional Commissioner, Commercial Taxes Department, Government of Bihar, Patna.
5. The Joint Secretary, Commercial Taxes Department, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shahabuddin Azeem @ S. Azeem

For the Respondent/s : Mr. Ac to PAAG

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 10-12-2015 The petitioner seeks quashing of the order dated 2.7.2007 passed by the Principal Secretary, Commercial Taxes Department, Government of Bihar whereby he has been suspended from the date of his custody i.e. 13.3.2007.

The petitioner was taken into custody on 13.3.2007 as his wife filed a criminal case under section 498A of the Indian Penal Code. The petitioner was released from custody on 20.6.2007. After release of the petitioner from custody, respondent No.2 suspended the petitioner with effect from the date of his custody

under rule 9(2) of the Bihar Government CCA Rules, 2005.

The petitioner submits that he cannot be put under suspension indefinitely on the ground of pendency of criminal case. He next submits that the order of suspension under rule 9(2) of the Bihar Government CCA Rules, 2005 could have been passed only till the period of custody. He submits that no subsistence allowance has been paid to him since last four years.

I find substance in the submission of the petitioner. By this time, the petitioner has remained under suspension for more than 8 years on the ground of pendency of criminal case which is unreasonable. On this count alone, the petitioner would succeed in the case. Further I find that the impugned order of suspension is in teeth of Rule 9(2) of the Bihar Government CCA Rules itself, as the petitioner has already been released from custody.

In the result, the writ application is allowed. The impugned order of suspension is set aside. The respondents are directed to forthwith pay the subsistence allowance to the petitioner for the period he remained under suspension preferably within two months from the date of receipt/production of a copy of this order.

(Samarendra Pratap Singh, J)

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