

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5845 of 2015

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Budhdeo Das son of late Basudeo Das resident of Mohalla Lallu Pokhar
Arzra Road, MGR P.S. Kasim Bazar, District Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary Urban Development Department Government of Bihar, Patna.
3. The Deputy Secretary Urban Development Department Govt of Bihar, Patna.
4. The District Magistrate Munger
5. The Municipal Commissioner, Munger Municipal Corporation Munger.
6. The Executive Officer, Munger Municipal Corporation Munger.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv

For the Respondent/s : Mr. GP15- Sharad Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 15-04-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner is aggrieved by an order of his suspension dated 11.02.2014, and wants this Court to direct such order of suspension to be vacated because standing Committee of the Munger Municipal Corporation has made a recommendation for vacating the order of stay in the light of some opinion given by the counsel of the



Munger Municipal Corporation, this Court would find it difficult to do so. Admitted position is that the standing Committee has got no such power to interfere in the service matter of the employees of the Corporation and therefore, if reference has been made by the Munger Municipal Corporation to the State Government, that by itself may not be a good ground to issue mandamus. At the end of the day, it is the chief Executive Officer of the Munger Municipal Corporation who has to take final decision in the matter of suspension.

It is admittedly, the petitioner who was subjected to the order of suspension pending departmental proceeding. The memo of charge has also been framed against the petitioner and the petitioner has also filed his written statement of defence and therefore, instead of taking the shortest route the petitioner ought to have faced the departmental proceeding.

This Court would, accordingly, direct the respondent no. 5, Municipal Commissioner, Munger



Municipal Corporation to ensure that the departmental proceeding against the petitioner is expedited both by way of appointment of inquiry officer as also concluding the inquiry proceeding. Such inquiry officer therefore if not already appointed by the Municipal Commissioner must be appointed within a period of one month from the date of receipt of this order and the departmental proceeding against the petitioner must be brought to an end by submission of the inquiry report in next four months. Thereafter, the disciplinary authority considering the inquiry report and of course after furnishing copy thereof to the petitioner for eliciting his comment/reaction to the finding in the inquiry report must pass the final order within a period of next three month from the date of submission of the inquiry report.

It goes without saying that whatever order is passed by the disciplinary authority upon conclusion of the departmental proceeding, would automatically lead to redressal of the grievance of the petitioner, inasmuch

as, the order of suspension will merge with the order of exoneration/punishment, as the case may be.

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

(Mihir Kumar Jha, J)



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