

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17923 of 2014

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Ramchandra Gupta S/O Late Nathu Prasad Gupta, resident of Village + P.O. - Mansapur, P.S. - Laukahi, District - Madhubani. presently Executive Engineer (Under Suspension), Works Division, Nawada

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna
3. The Additional Secretary, Rural Works Department, Government of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.SBK Manglam, Advocate
Mr. Chandan, Advocate

For the Respondent/s : Mrs. Namrata Mishra, GA 13

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL JUDGMENT

Date: 29-01-2015

Heard the parties.

2. The petitioner is aggrieved by the notification dated 18.02.2014 (Annexure-3) issued under the signature of the respondent no.3 whereby he has been placed under suspension in exercise of powers under Rule 9 (1) (c) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 (in short “Rules 2005”).

3. It is not in dispute that identical matter came up for consideration before this Bench in CWJC No. 8229 of 2014 (Arvind Kumar Singh Vs. The State of Bihar and others) and after considering the scheme, scope and mandate of Rule 9 (1) (c) of Rules, 2005 as also in view of the ratio laid down by the Full Bench of our own High Court in the case of **State of Bihar Vs. Gyan Kumar Ram [2009 (4) PLJR 272]**, the aforesaid writ petition was allowed by judgment/order dated 08.10.2014 (since reported in 2014 (4) PLJR, 681) and the order of suspension passed in terms of Rule 9 (1) (c) of

Rules, 2005 was set aside and quashed, but liberty was given to the respondent State Government and its functionaries to pass a fresh order of suspension against the petitioner in accordance with law.

4. It is the common case of the parties that though LPA has been filed against the said judgment/order by the State of Bihar and its functionaries, but that judgment/order still holds the field.

5. In the aforesaid circumstances and for the reasons recorded in the aforesaid judgment/order in the case of **Arvind Kumar Singh (supra)**, the impugned notification dated 18.02.2014 (Annexure-4) issued under the signature of the respondent no.3 putting the petitioner under suspension is set aside and quashed with all consequential benefits. However, it shall not come in the way of the respondent State of Bihar and its functionaries to pass a fresh order of suspension against the petitioner strictly in accordance with law.

6. The writ petition stands allowed to the extent indicated above. However, there shall be no order as to costs.

(Birendra Prasad Verma, J)

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