

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16397 of 2010

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Ramesh Kumar, S/O Late Udit Narayan Purve, R/O 14, Kidwaipuri, P.S.-
Buddha Colony, Distt.- Patna

.... Petitioner

Versus

1. The State of Bihar through the Secretary Science & Technology Department, Bihar, Patna
2. Director, Science & Technology Department, Bihar, Patna
3. Project Director, Indira Gandhi Science Complex-Planetarium, Patna
4. Project Director, Bihar Council On Science & Technology, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Abhinav Shrivastava, Advocate

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

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 20-03-2015 The petitioner is an employee of Bihar Science and Technology Department. The proceedings under the Prevention of Corruption Act were initiated against him and initially he was placed under suspension on 22.6.2007. An effort made by the petitioner to challenge the same did not fructify. Thereafter another order of suspension dated 16.12.2009 was passed placing the petitioner under suspension with retrospective effect.

Challenging the order of suspension, the petitioner contends that there was absolutely no basis for the respondents to place or to continue him under suspension.

On behalf of the respondents, a detailed counter affidavit is filed. According to them, suspension became inevitable, once the criminal proceedings are pending against the petitioner.

Heard Shri Abhinav Shrivastava, learned counsel for the petitioner, and Smt. Namrata Mishra, learned A.P.P. for the State.

It is, no doubt, true that the suspension of the petitioner was warranted on account of his having been arrested in relation to a criminal case under the P.C. Act. The challenge to that order at the relevant time could not have been successful. However, six years have elapsed ever since the impugned order has been passed. The respondents may be helpless on account of pendency of the criminal case. At the same time, the continuance of the petitioner under suspension for such a long time is not in the interest of the Department itself, for the reason that they would be required to pay subsistence allowance, which is almost on par with the salary, without extracting

any work.

Hence, the writ petition is allowed. The order of suspension is set aside. The same shall be without prejudice to the pending criminal case or the disciplinary proceedings.

Interlocutory application, if any, stands disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

K.C.jha/-
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