

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4251 of 2015

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Om Prakash Pathak S/o Late Babu Man Pathak , R/o Flat No. 202,
Namashkar Kunj Apartment , Near A.G. Colony, PS- Shastri-Nagar, Distt.
Patna. Petitioner

Versus

1. The State of Bihar , through its Chief Secretary , Government of Bihar,
Patna.
 2. The Principal Secretary , Department of Industry , Vikash Bhawan ,
New Secretariat , Bihar, Patna.
 3. The Principal Secretary , Health Department , Vikash Bhawan , New
Secretariat, Bihar, Patna.
 4. The Secretary Cum Enquiry Officer, Health Department , Bikash
Bhawan , New Secretariat, Bihar, Patna.
 5. The Dy. Secretary , Department of Industry , Vikash Bhawan , New
Secretariat, Bihar, Patna. Respondent/s
- =====

Appearance :

For the Petitioner/s : Dr. Anand Kumar, Advocate

For the Respondent/s : Mr. Advocate General

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

4 04-12-2015 The petitioner was suspended vide order dated

12.12.2014 (Annexure 1) while posted as the Deputy Director,

Directorate of Industry, Bihar Patna. He has assailed the

impugned order of suspension on the ground that the memo of

charge was not framed within 90 days.

The petitioner submits that the impugned order of
suspension cannot continue so, after 90 days in view of Rule
9(7) of the Bihar Government Servant (Classification, Control
and Appeal) Rules, 2005 as well as the judgment of the Full
Bench of this Court in case of State of Bihar & others Vs. Gyan
Kumar Ram and others, reported in 2009(4) PLJR 272.

In view of Rule 9(7) of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 as well as the judgment of the Full Bench of this Court in case of State of Bihar & others Vs. Gyan Kumar Ram and others, reported in 2009(4) PLJR 272, I find substance in the submission of the petitioner. The writ petition succeeds and the impugned order of suspension dated 12.12.2014 is set aside. However, the respondents are at liberty to pass fresh order in accordance with law.

Shashi.

(Samarendra Pratap Singh, J)

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