

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7593 of 2014

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Ashok Paswan, Son of Shilat Paswan, resident of Village - Kashipur, P.S.+ Dist. - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
2. The Collector, Samastipur.
3. The Conducting Officer cum District Panchayat Raj Officer, Samastipur.
4. The Block Development Officer, Dalsinghsarai cum Presenting Officer, District - Samastipur.
5. The Block Development Officer, Bidyapati Nagar, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anirban Kundu

For the Respondent/s : Mr. Anil Kumar, GP-23

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 23-01-2015

The petitioner is aggrieved by the order dated 25.01.2014 (Annexure-1) passed by the respondent District Collector, Samastipur, whereby the petitioner has been put under suspension once again in exercise of powers under Rule 9(3)(ii) of Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 (in short 'Rules, 2005').

Evidently, the petitioner was arrested by the police on the spot while he was allegedly accepting the bribe. A substantial criminal case was instituted against him. He was remanded to judicial custody and was placed under suspension in terms of Rule 9(2)(a) of the Rules, 2005. A departmental proceeding has also been initiated against him. However, subsequently, he was released on bail. Accordingly, he joined his post, which was accepted by the competent authority and previous order of suspension dated 16.07.2013 was

revoked in terms of Rule 9(3)(i) of the Rules, 2005. In view of the gravity of charge against the petitioner and pending departmental proceeding, the respondent District Collector exercised his powers in terms of Rule 9(3)(ii) of the Rules, 2005 putting the petitioner under suspension during the pendency of the departmental proceeding.

The impugned order cannot be legally faulted and is in accordance with Rule 9(3)(ii) of the Rules, 2005.

The present writ petition seems to be completely misconceived and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

Arvind/-

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