

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12972 of 2015

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1. Kamlesh Kumar Ranjan S/o Late Laldhari Singh, Resident o village- Maidikhurd, P.S.- Khodaganj, District- Nalanda at present Head Driver, Triveniganj under District- Supaul and under suspension and Head Quarter in the Office of State Fire Officer-cum-Director, Patna
 2. Arvind Kumar, S/o Sri Maldeo Singh, Resident of Village- Tikulpar, P.s.- Shivgori, District- Patna at present Leading Fire Man, Fire Brigade Office, Naugachhiya under District- Bhagalpur and under suspension and Head Quarter in the Office of State Fire Officer-cum-Director, Patna
 3. Ashok Kumar singh, S/o Late Bal Govind Singh, Resident of village- Pawat, P.S.- Ara Mufasil, District- Bhojpur at present Leading Fire Man, Fire Brigade Office, Patna under suspension and Head Quarter in the Office of State Fire Officer-cum-Director, Patna
 4. Nagendra Upadhaya S/o Sri Sidhnath Upadhya, Resident of Village- Barka Dhakaich, P.S.- Krishna Bramh, District- Buxar at present Head Driver, Fire Brigade Office, Secretariat, Patna under suspension and Head Quarter in the Office of State Fire Officer-cum-Director, Patna

.... Petitioners

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Home, Govt. of Bihar, Old Secretariat, Patna
3. The Director General, Department of Police, Govt. of Bihar, Patna
4. The Director General cum Commandant General, Bihar Home Guard and Fire Services, Bihar, Patna
5. The Deputy Director General cum Deputy Inspector General, Bihar Home Guard and Fire Services, Bihar, Patna
6. The State Fire Officer cum Director, Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bishnu Kant Dubey, Advocate and
Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Kumar Priya Ranjan- Sc23

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

4 21-12-2015 Petitioners are members of Fire brigade office. They

were suspended on 21.4.2014 by respondent no. 6 on the

direction of respondent no.5. Relief is founded on the ground

that no charge sheet was submitted within 90 days as required

under Rule 9(7) of the Bihar CCA Rules, 2005.

Counsel for the State submits that the departmental proceeding was initiated and three of the petitioners namely petitioners no. 2,3 and 4 have been exonerated, whereas proceeding against petitioner no.1 is continued and it is shortly to be concluded.

In my view, as the charge sheet was not submitted within 90 days, suspension order would go and it is accordingly quashed so far as petitioner no.1 is concerned. However, it would be open for the respondents to pass fresh order with respect of suspension pending conclusion of the departmental proceeding.

The writ petition is partly allowed.

(Samarendra Pratap Singh, J)

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