

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15353 of 2015

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Champa Devi W/o Shakaldeo Paswan, Resident of House of Shekhar Singh,
3rd Floor, Golghar Chauraha, Ashok Raj Path, P.S. Gandhi Maidan, District
Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home,
Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Additional Director General of Police, Rail Bihar, Patna.
4. The Superintendent of Police, Rail Gandhi Maidan, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bishnu Kant Dubey, Advocate.

For the Respondent/s : Mr. Abinash Kr. Sinha, AC to GP-29

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 01-10-2015 Heard learned counsel for the parties.

2 The petitioner in this writ application assails her order of suspension dated 30.12.2014 primarily on two grounds. Firstly, according to her, the allegation of not complying the transfer order leading to her suspension is factually incorrect because she had filed representation before the higher authorities and that had led to some order in her favour for being retained at the earlier place of posting in view of her illness for a period of six months. Secondly, it is said that the petitioner is not being paid her subsistence allowance.



3. Learned counsel for the petitioner, however, has accepted that after the order of suspension, the petitioner was given a memo of charge and, in fact, departmental proceeding had been initiated but then such departmental proceeding has also made no headway beyond filing of written statement of defence by the petitioner on 16.02.2015. He has also highlighted that the petitioner has not been paid subsistence allowance from the inception of the order of suspension.

4. Learned counsel for the State, on the other hand, has submitted that there is no averment in the writ petition as with regard to the petitioner being present in the headquarters fixed under the order of suspension. He, however, accepts that the departmental proceeding to have kept pending for such a long period unless there is such availing reasons against him.

5. In the considered opinion of this Court, once it is found that the departmental proceeding has been initiated against the petitioner and the petitioner has filed her written statement of defence, this Court would direct the Superintendent of Police, Rail, Patna to ensure that the departmental proceeding against the petitioner is concluded within a maximum period of six months from the date of receipt of a copy of this order. If the petitioner has also joined at Muzaffarpur, being the headquarters in the period of

suspension, her subsistence, both arrears and current, must be paid forthwith and if, on the other hand, she has not joined at the headquarters fixed under the orders of suspension and still does so, her suspension allowance for the current period from the date of joining will be paid without any further delay so that she can participate in the departmental proceeding.

6. This Court would also direct that if the headquarter of the petitioner has been fixed under the period of suspension at Muzaffarpur and the inquiry against her is being conducted at Mokama, a conscious decision should be taken as to whether the petitioner's headquarter in the period of suspension should be at Mokama in order to expedite the departmental proceeding, if necessary, by conducting on day to day basis

7. Whatever, decision is to be taken in this regard, must be taken and the departmental proceeding against the petitioner must be concluded within a period of six months from the date of receipt of a copy of this order. It is made clear that if the petitioner does not co-operate in the departmental proceeding, it will be open for the inquiry officer/disciplinary authority to proceed *ex parte* but a final decision must be taken in the departmental proceeding against the petitioner in the aforementioned period of six months

8. With the aforementioned observation and direction,

this writ application is disposed of.

9. Let a copy of this order be sent to the Superintendent of Police, Rail, Patna for its compliance in letter and spirit.

(Mihir Kumar Jha, J)

Sujit/-

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