

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18186 of 2014

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Shyam Kishore Singh, Son of Sri Talkeshwar Singh, Resident of Village -
Dathadihari, Police Station - Sikrol (Lakh), District - Buxar at present
Panchayat Sachiv, District - Panchayat Office, Buxar

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayat Raj, Bihar,
Patna
2. The District Magistrate, Buxar
3. The District Panchayat Raj Officer, Buxar
4. The Sub-Divisional Officer, Buxar
5. Block Development Officer, Buxar
6. Block Development Officer, Kesath
7. Executive Officer, Nagar Parishad, Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate.
For the Respondent/s : Mr. S.A. Alam, SC 3.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 24-07-2015 Let it be noted that the original records of this case was

missing from the office, thereafter a copy of writ application was

obtained from the learned counsel for the petitioner which now

forms a basis of the records of the case.

2. Heard learned counsel for the parties as with regard
to the following relief prayed in this writ application:-

"Commanding the respondents authorities to vacate the
order of suspension issued under memo no. 16-
0971/PANO dated 20.11.2013 with respect to
petitioner, under Rule 9 of Bihar Govt. Servant
(Classification, Control and Appeal) Rules, 2005 by the
District Magistrate, Buxar and to make payment of
dues salary."

3. Having regard to the fact that the petitioner has been placed under suspension pending departmental proceeding and the memo of charge has also been framed against him, this writ application filed on 20.10.2014 is absolutely misconceived.

4. When such an observation has been made, learned counsel for the petitioner seeks permission to withdraw this writ application in order to enable the petitioner to move the Collector of the District, who is the competent appointing and disciplinary authority of the petitioner holding the post of Panchayat Secretary for expeditious disposal of pending departmental proceeding against him.

5. This if the petitioner approaches the Collector of the District by filing a representation, the Collector shall ensure that the departmental enquiry which was sought to be conducted against the petitioner in view of the memo of charge framed against him, must be concluded within a period of six months from the date of receipt of a copy of this order and a final order, as per the outcome of the departmental enquiry also must be passed by the competent disciplinary authority within next three months from the date of submission of inquiry report by the inquiring officer.

6. It goes without saying that if the petitioner co-

operates in the departmental proceeding, the same must be brought to an end in the aforesaid manner within a maximum period of nine months from the date of receipt of a copy of this order by the Collector of Buxar district.

7. With the aforesaid observations and direction, this writ application is permitted to be withdrawn as prayed for.

(Mihir Kumar Jha, J)

Sujit/-

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