

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19528 of 2014

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Sita Ram son of Late Jagdeo Ram, resident of Village - Gopalganj Neura, P.S.
Sarany at and District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Agriculture, Government of Bihar, Patna.
2. The Agriculture Director, Bihar at Patna.
3. The Joint Agriculture Director, Tirhut Division at Muzaffarpur
4. The Collector, Katihar.
5. The District Agriculture Officer, Katihar.
6. The Block Development Officer, Ajam Nagar, District - Katihar.
7. The District Supply Officer-cum-District Manager, State Food Corporation, Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kr. Sinha, Sr. Adv.
 Mr. Bhola Kumar
 Mr. Ashish Sinha

For the Respondent/s : Mr. Gyan Prakash Jha, G.P.-22
 Mr. Sushil Kumar Singh, AC to GP-22.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 29-01-2015

Heard the parties.

2. The petitioner has filed the present writ petition under Article 226 of the Constitution of India assailing the validity and correctness of the order dated 24.10.2014 (Annexure-1) passed by the respondent Director of Agriculture, Bihar, Patna, whereby he has been put under suspension in terms of Rule 9 of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 (In short "Rules, 2005").

3. Learned senior counsel appearing on behalf of the petitioner while assailing the validity and correctness of the impugned order has raised various points. According to him, the respondent no.2 has not indicated as to which provisions/ conditions of Rule 9 of Rules, 2005 has been invoked for putting the petitioner under



suspension. It is further submitted that though more than three months have already elapsed from the date of issuance of impugned order, but neither charge sheet has been framed against the petitioner nor the period of suspension has been extended by the competent authority. Therefore, according to him, on the ground of infraction of Rule 9(7) of the Rules, 2005, the impugned order of suspension is fit to be set aside by this Court.

4. Learned G.P. 22 appearing on behalf of the respondents has opposed the prayer made on behalf of the petitioner, but has fairly submitted that he has received instructions from which it does not appear that charge sheet has been framed against the petitioner within the statutory period of three months. According to him, it also does not appear that the period of suspension has been extended in terms of Rule 9(7) of the Rules, 2005. However, it is pleaded that even if the impugned order of suspension is interfered with by this Court, then liberty may be granted to the competent authority to pass fresh order in accordance with law.

5. In view of the fair stand taken by the learned G.P. 22 and in view of the fact that there has been infraction of Rule 9(7) of the Rules, 2005, this Court is left with no option, but to set aside and quash the impugned order dated 24th October, 2014 (Annexure-1) passed by the respondent no.2, putting the petitioner under suspension, with all consequential benefits. However, if any departmental proceeding is initiated, or has already been initiated against the petitioner, then the same shall be taken to its logical conclusion in accordance with law at an early date. This is further clarified that the present order shall not come in the way of the respondent State of Bihar and its functionaries from passing a fresh order of suspension strictly in accordance with law.

6. The writ petition stands allowed to the extent indicated above.

(Birendra Prasad Verma, J)

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