

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21449 of 2014

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1. Raj Kumar Paswan S/o Shri Tilkeshwar Paswan Resident of Village Hajipurwa, P.O. Karua, P.S. Chakmehsi, District Samastipur.
 2. Baidyanath Mahto S/o Late Sundar Mahto Resident of Village + P.O. Harpur PUSA, P.S. PUSA, District Samastipur.
 3. Shatrudhan Roy S/o Late Maheshwar Roy Resident of Village + P.O. Mali Nagar Simari, P.S. Chak Maheshi, District Samastipur.
 4. Kailash Prasad S/o Late Rajendra Paity Resident of Village + P.O. Harpur PUSA, P.S. PUSA, District Samastipur.
 5. Bashant Kumar Singh S/o Late Hari Narayan Singh Resident of Village Salkhua, P.O. Abohar, P.S. Amnaur, District Saran.

.... Petitioners

Versus

1. The Rajendra Agriculture University, PUSA, Samastipur through its Vice Chancellor.
2. The Vice Chancellor, Rajendra Agriculture University, PUSA, Samastipur.
3. The Director (Administration), Rajendra Agriculture University, PUSA, Samastipur.
4. The Director, Sugarcane Research Institute, Rajendra Agriculture University, PUSA, Samastipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Giri, Adv.

For the Respondent/s : Mr. Arvind Kejriwal, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 24-07-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner has been placed under suspension pending departmental enquiry by an order dated 1st September, 2014 and a memo of charge has already been framed against the petitioner on 5.6.2015, this Court is not inclined to interfere with the order of suspension only on the ground that such memo of charge was not framed within 90 days. The reliance placed by the petitioner on the judgment of the Apex Court dated 16th February, 2015 in the case of Ajay Kumar Choudhary vs. Union of India & anor., Civil Appeal No. 1912 of

2015, is also wholly misplaced because under Disciplinary Control and Appeal Rules by which the petitioner is governed, on account of his being employee in Rajendra Agriculture University, nowhere envisages that if the memo of charge is not framed within 90 days, the order of suspension will become bad. Infact it is ambit of the relevant rule which would has to be come into account for holding suspension order bad which otherwise has to be tested on the angle of either its being without jurisdiction or malafide.

As has been found by this Court that the memo of charge has already been framed and if the same has not been served on the petitioner, this Court would direct the petitioner to appear in the office of the Director (Administration) on 31st July, 2015 to receive the copy of the memo of charge and thereafter the Director of Administration shall ensure that the departmental proceeding against the petitioner shall be concluded within a period of six months from the date the petitioner would appear before the Enquiry Officer and file his written statement of defence by accepting or denying the charge.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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