

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.779 of 2014

1. Bindu Kumar Son Of Nand Lal Mal Resident Of Mohalla- Amla Tola Katihar, P.S. Katihar, District- Katihar, At Present Posted As Assistant Engineer, N.R.E.P., Rural Development Department, West Champaran (Bettiah)

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Rural Works Department, Government Of Bihar, Patna
3. The Principal Secretary, Rural Works Department, Government Of Bihar, Patna
4. The Engineer-In-Chief, Rural Works Department, Government Of Bihar, Patna
5. The District Magistrate, Bettiah, District- Bettiah (West Champaran)
6. The Deputy Development Commissioner, Bettiah, District- Bettiah (West Champaran)
7. The Principal Secretary, Road Construction Department, Government Of Bihar, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Taranath Jha
Mr. Atul Kumar Pandey
For the Respondent/s : Mr. R.R. K PANDEY

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 10-03-2015

10.03.2015

Heard learned counsel for the parties.

No new ground is made out for interference with the order of suspension. Petitioner has adopted an attitude of non-cooperation and participation in the departmental proceeding, obviously, as a matter of strategy to ensure that he overcomes the rigorous of suspension. But, then, this Court is not going to oblige him, because of the conduct of the petitioner. It is in the interest of the petitioner to cooperate and participate in the departmental proceeding, so that he can come clean

on the charges and the allegation. If he chooses not to do so, the Court is not inclined to interfere with the order of suspension. He may remain under suspension and that is because of his own choosing and not because of the decision of the respondents to maintain that status.

If the petitioner cooperates in the departmental proceeding, it will be expedited and concluded at the earliest.

Petitioner is duly represented through a counsel and he has been served a detailed counter affidavit, which also indicates that the petitioner has been avoiding appearance and for which even a press communiqué has been issued, this is an unacceptable conduct for a government servant. Knowledge to counsel is knowledge to petitioner.

Writ application is otherwise dismissed.

(Ajay Kumar Tripathi, J.)

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