

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18637 of 2015

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1. Jawed Akhtar S/o Alim Akhtar R/o village - Nazar, P.O. Meghwan, P.S. Benipatti, District - Madhubani

.... Petitioner/s

Versus

1. The North Bihar Power Distribution Company Ltd. through Managing Director, Vidyut Bhawan, Patna
2. The Chairman - Cum - Managing Director, Power Holding Company, Bihar, Patna
3. The North Bihar Power Distribution Company Limited, Bihar, Patna through its Managing Director
4. The Member of (Revenue and Accountant) Bihar State Electricity Board, Patna
5. The Managing Director, North Bihar Power Distribution Company Limited, Bihar, Patna
6. The Joint Secretary, Bihar State Electricity Board, Patna, General and Administrative Department, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
Mr. Dhananjay Kumar Gupta, Advocate
Mr. Rajiv Ranjan, Advocate

For the Respondent/s : Mr. Anand Kumar Ojha, Advocate
Mr. Ashok Kumar Karna, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 22-12-2015 The petitioner seeks quashing of the order dated 28.12.2011, as contained in memo no.2645, passed by the Joint Secretary, Bihar State Electricity Board, Patna, General and Administrative Department being violative of Rule 9(7) of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (in short 'Bihar CCA Rules, 2005').

The petitioner submits that as per rule 9(7) of the Bihar

CCA Rules, 2005 if no charge-sheet is submitted within 90 days, the order of suspension would lapse until and unless a fresh order is passed to the aforesaid effect.

As no charge-sheet has been filed within 90 days, the impugned order of suspension is not sustainable in law and is accordingly set aside with liberty to the respondents to pass a fresh order in accordance with law.

This writ application stands allowed.

(Samarendra Pratap Singh, J)

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