

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2945 of 2016

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Alok Prasad son of Yadunandan Prasad Resident of Village-Ahiwarpur, P.O.-
Dalmnager, P.S. Dehri-on-Sone, District Rohtas at Sasaram, presently Executive
Engineer (Under Suspension), Water Resources Department, Minor Irrigation
Division, District Sitamarhi, In-Charge Tube Well Division, Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Minor Water Resources Department, Government of Bihar, Patna.
3. The Additional Secretary, Minor Water Resources Department, Government of Bihar, Patna.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. S.B.K. Manglam, Advocate
Ms. Anita Kumari, Advocate
For the Respondent/s : Mr. Anirban Kundu, SC-24

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT
Date: 21-10-2016

Heard Mr. S.B.K. Manglam, counsel for the petitioner
and Mr. Anirban Kundu, SC-24 for the State.

The petitioner prays for quashing of the order dated
08.2.2014 bearing Memo No. 686 of the Secretary, Minor Irrigation
Department whereby he has been put under suspension.

A departmental proceeding ensued and since it remained
inconclusive that the petitioner came before this Court in CWJC No.
4117 of 2015 and by judgment and order dated 09.7.2015 the writ
petition was disposed of with a direction to the disciplinary authority
to conclude the proceedings within a period of six months from the



date of production of a copy of the order. The order further stipulates that if the enquiry does not conclude within the said time frame and the reason is not attributable to the petitioner, he shall be at liberty to approach the Court for appropriate directions with regard to his continued suspension. The time period granted by this Court lapsed in January, 2016 and the petitioner filed the present writ petition on 11th February, 2016. The matter remained pending before this Court and was taken up on 17.9.2016 when learned State counsel was directed to ascertain the status of the matter. A counter affidavit was already on record and following the orders of this Court aforementioned, a supplementary counter affidavit has been filed and at paragraph-9 of the affidavit it is mentioned that the Enquiry Officer was requested to conclude the enquiry vide letter dated 13.10.2016 meaning thereby the enquiry remains inconclusive.

Although Mr. Kundu, learned Standing Counsel-24 yet makes a prayer for extension of the period but in absence of any such application being filed by the respondents before the Court concerned, I am not persuaded to grant any further indulgence. The time stipulated in the order of this Court present at Annexure-4 expired in January, 2016, the present writ petition was filed in February, 2016 and was taken up seven months thereafter in September, 2016 with advance copy being served with the State counsel. Meaning thereby

even when the respondents were fully aware and conscious of their obligations and they have not bothered to dispose of the same and the reason is not attributable to the petitioner.

In view of the position so explained, the order of suspension passed against the petitioner impugned at Annexure-1 to the writ petition dated 08.2.2014 can not be upheld and is accordingly quashed and set aside.

The writ petition is allowed.

(Jyoti Saran, J)

S.Sb/-

AFR	
CAV DATE	
Uploading Date	
Transmission Date	