

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1061 of 2016

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1. Ghanshyam Pandey, Son of late Umakant Pandey of Village- Jadopur Nanhkar,
P.S - Dhaka, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, East Champaran at Motihari.
3. The Sub-Divisional Officer, Sadar Motihari, at Motihari.
4. The Deputy Collector, Establishment, East Champaran at Motihari.
5. The Anchal Adhikari, Banjaria, P.S. and Anchal Banjaria. Nos. 2 to 5 all of District- East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

For the Respondent/s : Mr. N.K. Singh, G.P.9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 17-09-2016

None appears on behalf of the petitioner. Mr. Lalan Kumar Singh learned A.C. to G.P.9 for the State is present.

Perused the records.

The petitioner is aggrieved by the order of suspension bearing Memo No.752 dated 8.10.2013 passed by the District Magistrate, East Champaran impugned at Annexure-2.

Mr. Lalan Kumar Singh learned counsel with reference thereto has submitted that it is on account of institution of a criminal case against the petitioner and being taken into custody, which has resulted in the order of suspension. He also with reference to the judgment of the trial court present at Annexure-6 submits that the criminal case so

instituted, has resulted in the acquittal of the petitioner vide judgment and order dated 14.9.2015. He further submits that a disciplinary proceeding was initiated by service of a charge memo, a copy has been enclosed at Annexure-4/1 to the writ petition. Learned counsel however, could not inform as to the status of the disciplinary proceeding. Annexure-7 is a representation filed by the petitioner dated 24.9.2015 containing a request before the District Magistrate, East Champaran for revocation of suspension and for grant of consequential benefits in view of the judgment and order of acquittal recorded by the trial court in the criminal case.

In the circumstances so discussed, I deem it fit and proper to direct the District Magistrate, East Champaran at Mothihari to consider the request of the petitioner present in his representation dated 24.9.2015, a copy of which has been enclosed at Annexure-7 to the writ petition and dispose of the same in accordance with law preferably within six weeks from the date of receipt/production of a copy of this order, in case no order has not yet been passed thereon.

The writ petition is disposed of accordingly.

Bibhash/-

(Jyoti Saran, J)

NAFR	
CAV DATE	
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