

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7549 of 2015

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1. Abhiram Trivedi S/o Sri Ram Balak Trivedi Resident of Mohalla Bibiganj, P.S. Sadar (Muzaffarpur), Town & District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration, Government of Bihar, Patna.
3. The Additional Secretary, General Administration, Government of Bihar, Patna.
4. The Deputy Secretary, General Administration, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma, Adv.
Mr. Prakritita Sharma, Adv.
For the Respondent/s : Mr. Hujtabaul Haque, Adv.
Mr. Uma Shankar, GP-4
Mr. Shakib Ayaz, A.C. to G.P.12

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 09-09-2016

Heard Mr. Abhimanyu Sharma, learned counsel for the petitioner and learned counsel for the State.

In the nature of order this Court proposes to pass, it would not be required to delve into the merits of the case. Suffice it to say that the petitioner was suspended vide order bearing memo No. 9479 dated 11.7.2014 vide Annexure-2 and which gave rise to a departmental proceedings. The petitioner is also aggrieved by the order bearing Memo No.4533 dated 24.3.2015 whereby a representation so filed by the petitioner for revocation of suspension has been rejected vide Annexure-9.



The suspension of the petitioner under Rule 9(1)(a)(c) of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 is inter alia on charges of possessing property disproportionate to the known source of income. According to Mr. Sharma learned counsel for the petitioner, the enquiry report in the departmental proceeding is present at Annexure-10 and exonerates the petitioner from all charges. He submits that even a further enquiry got conducted by the Disciplinary Authority, has also no different result. In so far as the criminal case pending under the Prevention of Corruption Act, 1988 is concerned, learned counsel has referred to a letter of the Superintendent of Police, Economic Offences Wing, dated 24.6.2016 addressed to the Principal Secretary, to submit that the Superintendent of Police has recommended for stay of the criminal proceedings so initiated against the petitioner. He thus submits that in the circumstances existing, there should be no impediment in the revocation of the suspension of the petitioner.

Having heard learned counsel for the parties and having perused the records and considering the stage at which the matter rests where the enquiry report exonerates the petitioner and the criminal proceeding has no near conclusion as well as taking note of the opinion of the Superintendent of Police, Economic Offences Wing as present in his letter dated 24.6.2016 produced by Mr. Sharma, I deem

it fit and proper to direct the Principal Secretary, General Administration Department, Government of Bihar to take a decision and pass appropriate orders on the disciplinary proceedings within a maximum period of six weeks from the date of receipt/production of a copy of this order failing which he should consider the desirability of revocation of suspension of the petitioner.

The writ petition is disposed of accordingly.

Let the letter of the Superintendent of Police, Economic Offences be maintained on record.

(Jyoti Saran, J)

Bibhash/-

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CAV DATE	
Uploading Date	17.9.16
Transmission Date	