

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7342 of 2016

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MITHILESH KUMAR, SON OF SRI JANG BAHADUR RAM, RESIDENT OF FLAT NO. 201/A, JAGDEO ASHIANA APARTMENT, POLICE STATION ASHIANA NAGAR POLICE STATION RAJEEV NAGAR, TOWN AND DISTRICT PATNA Petitioner

Versus

1. THE STATE OF BIHAR THROUGH THE SECRETARY, RURAL WORKS DEPARTMENT GOVERNMENT OF BIHAR, VISHESHWARIYA BHAWAN, BAILEY ROAD PATNA
2. SECRETARY, RURAL WORKS DEPARTMENT GOVERNMENT OF BIHAR, VISHESHWARIYA BHAWAN, BAILEY ROAD PATNA
3. PRINCIPAL SECRETARY CUM ADDITIONAL COMMISSIONER, DEPARTMENTAL ENQUIRY, WATER RESOURCES DEPARTMENT, GOVERNMENT OF BIHAR, PATNA
4. JOINT SECRETARY, RURAL WORKS DEPARTMENT GOVERNMENT OF BIHAR, VISHESHWARIYA BHAWAN, BAILEY ROAD PATNA
5. OFFICER ON SPECIAL DUTY, RURAL WORKS DEPARTMENT GOVERNMENT OF BIHAR, VISHESHWARIYA BHAWAN, BAILEY ROAD PATNA

.... .. Respondents

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Appearance :

For the Petitioner : Mr. Mrigank Mauli, Advocate and
Mr. Binod Kumar, Advocate

For the Respondents : Mr. ASHOK KR. CHOUDHARY- AAG13

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL JUDGMENT

Date: 18-05-2016

The petitioner seeks revocation of order of suspension passed on 12.3.2013 on account of delay in conclusion of the proceeding in light of judgment of Hon'ble Apex Court in case of Ajay Kumar Choudhary Vs. Union of India and others, reported in 2015(7) SCC 291. The petitioner had earlier moved this court for revocation of suspension. After considering the submission of the parties, the Division Bench of this Court vide order dated 3.9.2015, passed in LPA No.410 of 2015 issued direction for conclusion of the departmental proceeding expeditiously preferably within a period of six months from that date. The petitioner submits that more than three months have been passed since order passed by the Division bench proceeding has not been concluded as such he seeks revocation of order of suspension pending the

departmental proceeding.

Counter affidavit has been filed on behalf of the respondent State. It has been stated that further four months be allowed to conclude the departmental proceeding.

In the facts and circumstances of the case, by way of last indulgence, the State is allowed three and a half month time, from the date of receipt of this order, to conclude the proceeding, failing which suspension of the petitioner would automatically stand revoked.

The writ petition is thus disposed of.

(Samarendra Pratap Singh, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
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