

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6965 of 2016

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Lal Mohan Jha, Son of Late Khudo Jha, Panchayat Sachiv/ Secretary, Block-Simari Bakhtiyarpur, District- Saharsa (Suspended).

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna.
3. The Director, Department of Panchayati Raj, Govt. of Bihar, Patna.
4. The District Magistrate, Saharsa.
5. The District Panchayat Raj Officer, Saharsa.
6. The Sub-Divisional Officer, Simari Bakhtiyarpur, District- Saharsa.
7. The Block Development Officer, Simari Bakhtiyarpur, District- Saharsa.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Respondent/s : Mr. Sanjeet Kumar Singh, AC to AAG10

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 30-06-2016

Heard learned counsel for the petitioner and the respondents.

2. The petitioner seeks quashing of the order of suspension, dated 26.05.2015, passed by the District Magistrate, as no charge-sheet has been served within maximum of seven months from the date of suspension.

3. The submission of the petitioner would have been valid, if he had put under suspension under Sub-Rule 7 of Rule 9 of Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as 'the CCA Rules, 2005').

However, in the instant case, he has been suspended under Rule 9 (1) (c) of the CCA Rules, 2005 on charge of institution of a criminal case, which is in accordance with law. Rule 9 (1) (c) of the CCA Rules, 2005 authorize the competent authority to suspend a Government servant, if a criminal case is pending.

4. In this view of the matter, I do not find any illegality in the impugned order. However, the respondents would pay the subsistence allowance to the petitioner.

5. The writ application stands disposed of with aforesaid observations.

(Samarendra Pratap Singh, J.)

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