

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6936 of 2016

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1. Naresh Kumar son of Late Mathura Prasad, Resident of Mohalla New Bigrahpur,
P.S.- Jakkanpur, P.O. G.P.O., District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Urban Department, Patna.
2. The Municipal Commissioner, Patna Municipal Corporation, Patna.
3. The Additional Commissioner, Patna Municipal Corporation-cum-Conducting
Officer, Departmental Proceeding, Patna Municipal Corporation, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sajal Kumar Sinha, Adv.

For the Respondent/s : Mr. Sanjay Prakash Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 23-12-2016

Heard Mr. Sajal Kumar Sinha, learned counsel for the
petitioner, Mr. Subodh Kumar learned A.C. to S.C.26 and Mr. Sanjay
Prakash Verma, counsel for the Patna Municipal Corporation.

The petitioner has prayed for revocation of his suspension.
Although the order of suspension has been impugned at Annexure-1
but the details thereof does not find mentioned in paragraph 1 of the
writ petition.

By that as it may, a perusal of the order of suspension shows
that it is on institution of a criminal case and on initiation of a
departmental proceedings that the petitioner has been put under
suspension by the Town Commissioner, vide order bearing No. 1092
dated 4.2.2013.

The grievance raised in this writ petition is that no chargesheet
has been filed in the criminal case and even the departmental



proceeding remains inconclusive. The petitioner thus prays for revocation of suspension.

A counter affidavit has been filed on behalf of the Corporation and Mr. Verma learned counsel with reference to paragraph 9 onwards of the counter affidavit has submitted that the petitioner himself is responsible for the delay in conclusion of the departmental proceedings which has reached the stage of second show cause and which was served on the petitioner as back as on 6.6.2015 vide Annexure-B. The petitioner has prayed for time and though a period of more than a year has lapsed but the second show cause has yet not been replied by the petitioner on some pretext or the other.

Having heard learned counsel for the parties and considering the stage at which the disciplinary proceeding is resting, I am not persuaded to interfere with the order of suspension rather would direct the petitioner to file his show cause reply as soon as possible and no sooner the show cause reply is filed by the petitioner that the Municipal Commissioner would proceed to pass final orders on the departmental proceeding within six weeks thereafter.

The writ petition is disposed of.

Bibhash/-

(Jyoti Saran, J)

NAFR	
CAV DATE	
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