

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8131 of 2016

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1. Anjani Kumar Son of late Paspas Prasad Resident of Harinagar, Nepali tola P.S. Ramnagar, West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner-Cum-Secretary, Water Resources Department Govt. of Bihar, Sinchai Bhawan, Patna.
3. The Joint Secretary, Water Resources Department, Govt. of Bihar, Sinchai Bhawan, Patna.
4. The Deputy Secretary, Water Resources Department, Govt. of Bihar, Bihar Sinchai Bhawan, Patna.
5. The Chief Manager, Water Resources Department, Valmikinagar (Motihari).
6. The Executive Engineer, Head Works, Division Valmikinagar Motihari.
7. The Superintendent Engineer, Tirhut Canal division, Betiah Water Champaran.
8. The Executive Engineer, Ghorasahan Canal, Division, Raxaul, Motihari.
9. The Junior Engineer, Water Resources Research Division Yogapatti Ramnagar, West Champaran .

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Respondent/s : Mr. Din Bandhu Singh, G.P.9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 28-10-2016

Heard Mr. Bimlesh Kumar Pandey learned counsel for the petitioner and Mr. Birju Prasad, G.P.13 for the State.

The petitioner has questioned the order of suspension bearing No. 904 dated 20.4.2015, a copy of which is impugned at Annexure-8 to the writ petition. The allegation against the petitioner is of marrying twice. The complainant claims to be his first wife. The allegation has led to institution of departmental proceedings, the enquiry report of which is enclosed at Annexure-B to the counter affidavit. Paragraph 15 of the counter affidavit mentions that on receipt of the enquiry report the second show case has been asked from the petitioner and

following which the petitioner has submitted his reply on 20.5.2016 vide Annexure-17 to the counter affidavit. Meaning thereby, it is now for the disciplinary authority to pass final orders on the disciplinary proceedings.

Although Mr. Pandey learned counsel for the petitioner endeavours to question the departmental proceedings itself on grounds that the matter is pending before the family court to examine the veracity of the claim set up by the Mamta Kumari claiming to be the first wife but these are issues which is to be considered by the disciplinary authority and since the matter is yet pending for final orders, I would refrain to express any opinion except that all issues raised by the petitioner should be taken into account at the time of disposal of the disciplinary proceedings.

In the circumstances discussed, I deem it fit and proper to dispose of the writ petition with the direction to the disciplinary authority to pass final order on departmental proceeding expeditiously and preferably within six weeks of receipt/production of a copy of the order failing which he should consider the prayer of the petitioner for revocation of suspension.

The writ petition is disposed of accordingly.

Bibhash/-

(Jyoti Saran, J)

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