

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10815 of 2015**

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Ram Pravesh Yadav, son of Karu Yadav, resident of village- Nighai, Police Station- Konch, District- Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Gaya.
4. The District Treasury Officer, Gaya.
5. The Sub-Divisional Officer, Sherghati, Gaya.
6. The Block Development Officer, Barachatti, Gaya.

.... .... Respondent/s

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**Appearance :**

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|----------------------|---|--------------------------------|
| For the Petitioner/s | : | Mr. Shailesh Kumar             |
| For the Respondent/s | : | Mr. Sushil Kumar, GP-22        |
|                      |   | Mr. Rakesh Ranjan, AC to GP-22 |

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

3      23-09-2016                      Heard the parties.

The petitioner is aggrieved by the order of suspension bearing Memo No.135 dated 24.2.2015 impugned at Annexure-3 to the writ petition.

An institution of a criminal case arising from Atari P.S. Case No.1 of 2011 registered under section 406 of the Indian Penal Code led to the suspension of the petitioner. The petitioner was taken into custody and on his release on bail that the suspension order was revoked vide Memo No.134 dated 24.2.2015. The District Magistrate, Gaya by a subsequent order passed on the same date bearing Memo No.135 again put the



petitioner under suspension in exercise of power vested in him under rule 9 (3)(ii) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005. Feeling aggrieved the petitioner is before this Court.

This matter was taken up last on 16.9.2016 and when learned counsel for the State was directed to ascertain the status of the matter and whether any departmental proceeding has been initiated against the petitioner because the order of suspension impugned at Annexure-3 simply refers to the criminal case. A supplementary counter affidavit has been filed and it is stated at paragraph-4 that a chargesheet was served on the petitioner in form 'क' on 18.9.2015 placed on record at Annexure-A to the supplementary counter affidavit. It is further stated that a show cause was issued to the petitioner. It is next stated at paragraph-5 of the supplementary counter affidavit that the departmental proceeding is at its final stage and in response to the second show cause issued, the petitioner has already submitted his reply on 19.8.2016 placed at Annexure-B. It is stated that the final decision will be taken very soon in the departmental proceeding.

In view of the status explained in the supplementary counter affidavit I am not persuaded to interfere with the order

of suspension for the present and since it is as per the own statement of the respondents, the departmental proceedings is on its conclusion. I would dispose of the writ petition with a direction to the disciplinary authority concerned to pass final order in the departmental proceeding within the maximum period of four weeks from today considering the fact that the petitioner has already submitted his second show cause and it is only a final order that needs to be passed in the present case.

The writ petition is disposed of.

**(Jyoti Saran, J)**

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