

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20690 of 2014

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1. Dr. Dharmendra Singh, aged about 57 years, son of Late Raghunath singh, resident of I/4 Officers Flat, New Punaichak, P.S. - Shashtri Nagar, District - Patna, presently posted as Regional Director, Central Range Animal Husbandry, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar at Old Secretariat, Patna at Patna.
2. The Secretary, Animal and Fishery Department, Govt. of Bihar at New Secretariat, Patna and Patna.
3. The Principal Secretary, General Administration Department Govt. of Bihar at Old Secretariat, Patna at Patna.
4. The Deputy Secretary, Animal and Fishery Department, Govt. of Bihar at New Secretariat, Patna at Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Adv.

For the Respondent/s : Mr. Ajay Kumar Rastogi, AAG 10

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 16-09-2016

Heard Mr. Anand Kumar Ojha, learned counsel for the petitioner and Mr. Ajay Kumar Rastogi, AAG 10 for the State.

The petitioner has questioned the order of suspension bearing Memo No.763 dated 3.11.2014, a copy of which is impugned at Annexure-7 and which suspension order while charging the petitioner of issuing a purchase order in violation of the terms and conditions of the tender has fixed the headquarters of the petitioner in the office of the Regional Director, Animal Husbandry at Purnea.

The writ petition though was filed in the year 2014 and when taken up for consideration, it is informed by counter affidavit that disciplinary proceeding is yet pending. A grievance was raised by the



petitioner that he is being unnecessarily harassed by the respondents by not only prolonging the disciplinary proceeding but also keeping him under suspension and in the process the subsistence allowance was not being paid to him. It is considering the grievance of the petitioner that this Court vide order passed on 2.9.2016 required learned A.A.G. 10 to ascertain the position. It is following the order passed by this Court that a supplementary counter affidavit has been filed and through which it is informed that the subsistence allowance with effect from the date of suspension i.e. 3.11.2014 has since been paid and that the petitioner would be paid his subsistence allowance regularly hereafter. It is also mentioned that since the petitioner in disobedience of the order of suspension dated 3.11.2014 has not reported to the headquarters at Purnea and it is only after it was shifted at Patna that he reported on 17.9.2015, hence the subsistence allowance for the period 3.11.2014 to 17.9.2015 has not been paid to him.

Mr. Ojha learned counsel appearing for the petitioner submits that since the petitioner was on leave on the date on which the order of suspension was passed and on recovery he made a request for joining at Patna which request was accepted, thus the non payment of subsistence allowance for the period, the headquarters was fixed at Patna, is an arbitrary act. It is also argued by Mr. Ojha that the

arbitrariness in the action of the respondents can be understood from the fact that even when the petitioner was facing another departmental proceeding at Patna which had been initiated earlier to the present one yet mala fide, the headquarters of the petitioner was fixed at Purnea.

I have heard learned counsel for the parties and perused the records.

The position is that the subsistence allowance for the period of suspension until date has been paid to the petitioner except for the period 3.11.2014 to 17.9.2015. It is also undisputed that the disciplinary proceeding has also been initiated. In the circumstances and for the present, this Court without expressing any opinion on the merits of the contest would direct the disciplinary authority to take expeditious steps for conclusion of the disciplinary proceeding initiated against the petitioner as back as in the year 2014 and conclude the same within a period of 6 months from today. If for any reason not attributable to the petitioner, the disciplinary proceeding is not concluded in next six months, the Disciplinary Authority shall consider the prayer of the petitioner for revocation of his suspension and pass appropriate orders within two weeks of the expiry of the period of six months.

In so far as the payment of subsistence allowance for the period 3.11.2014 to 17.9.2015 is concerned, which has been denied to the

petitioner for his absence from Purnea, he shall be at liberty to raise his grievance before the disciplinary authority with supporting documents and which shall be considered by the Disciplinary Authority and disposed of in accordance with law within a period of six weeks of raising of the grievance.

The writ petition is disposed of accordingly.

Bibhash/-

AFR/NAFR	
CAV DATE	
Uploading Date	27.9.16
Transmission Date	

(Jyoti Saran, J)