

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10955 of 2016

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1. Ram Gopal Pandey, aged about 55 yrs, S/o Nand Kishore Pandey, R/o Vill- Beninagar, P.S.- Parshurampur, Distt- Basti (U.P.), Presently under suspension at the HQ Joint Director Agriculture, Magadh Division, Gaya
.... Petitioner

Versus

1. The State of Bihar
2. Agriculture Production Commissioner, Bihar, Patna
3. Under Secretary, Agriculture Department, Bihar, Patna
4. Joint Director Agriculture, Magadh Division, Gaya
.... Respondents

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Appearance :

For the Petitioner : Mr. Mukesh Kumar, Adv.
For the Respondents : Mr. D.K. Verma, AC to SC XII

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 28-10-2016 As prayed by Mr. Mukesh Kumar, learned counsel for the petitioner, he is permitted to add the Principal Secretary, Agriculture Department, Bihar, Patna, as party respondent to the present application.

The petitioner is aggrieved by the order of suspension, as contained in the notification, bearing no. 715, dated 20.12.2011, impugned at Annexure 1.

Mr. Mukesh Kumar, learned counsel for the petitioner, while questioning the order of continued suspension for over five years, has referred to certain orders passed by the State Government in the case of similarly placed delinquent facing departmental enquiry and criminal proceeding arising from trap cases, placed at Annexures 5 and 7 to the writ petition. It is submitted in reference to those orders that the State Government has considered the issue of continued suspension in the light of the orders passed by this Court in writ proceeding preferred by those delinquents and it is upon reconsideration of the matter that the

suspension of the officers has been revoked. He submits that all these cases are arising from trap cases and the petitioner is similarly placed. He refers to the statement made in paragraphs 10 and 13 of the counter affidavit to submit that while the respondents admit that departmental proceeding is yet continuing, in so far issue of revocation of suspension is concerned, all that they have to say is that there is no such order passed in favour of the petitioner to reconsider the matter, as passed in other cases.

Mr. Mukesh Kumar, learned counsel for the petitioner, has made reference to a representation placed at Annexure 10 to the writ petition to submit that a similar prayer being made before the Agriculture Production Commissioner, Bihar, Patna, has gone unnoticed. He further submits that the post of the Agriculture Production Commissioner, Government of Bihar, is vacant as of date and the Principal Secretary, Agriculture Department, Bihar, Patna, would be the proper authority to pass appropriate orders.

The learned counsel for the State refers to the counter affidavit to reiterate the position.

In my opinion, in the circumstances discussed and in view of the orders passed by the respondents in similar matters of trap cases, the issue raised by the petitioner would require a reconsideration by the disciplinary authority as regarding his continued suspension considering that a period of more than five years has passed and on similar considerations, the disciplinary authority has decided in favour of the delinquent(s) concerned.

In the circumstances, the writ petition is disposed of with a liberty to the petitioner to file a fresh representation to the Principal Secretary, Agriculture Department, Government of

Bihar, Patna, praying for revocation of suspension and any such prayer made, should be considered and disposed off by the Principal Secretary, Agriculture Department, Government of Bihar, Patna, or the authority competent to do so, in accordance with law expeditiously and preferably within six weeks from the date of receipt/production of this order.

(Jyoti Saran, J)

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