

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16968 of 2015

=====

Om Prakash, son of Sri Nagendra Prasad, resident of village- Masiha, P.S. Ashthaina, P.O.- Asthama Dist - Nalanda. Petitioner.

Versus

1. The Union of India through the Director General, Civil Aviation Department, Opposite to Safdarganj Airport, New Delhi - 110003.
2. The Chairman, Airport Authority of India, Rajiv Gandhi Bhawan Safdarganj Airport, New Delhi.
3. The Regional Executive Director (E.R.) Airport Authority of India, N.S.C.B.I. Airport - Kolkata - 700052.
4. Airport Director, Airport Authority of India, Gaya Airport, Gaya. .. Respondents.

=====

Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate
For the Respondent/s : Mr. Kumar Priya Ranjan, Advocate
: Mrs. Gunja, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 17-03-2016

Heard learned counsel for the petitioner and learned counsel appearing for respondent no.4.

2. The petitioner is an employee of Airport Authority of India. He was posted at Gaya Airport as Senior Superintendent. The petitioner was arrested by Magadh Medical Police Station, Gaya on 15.01.2013 in connection with Magadh Medical P.S. case no. 08 of 2013 under Sections 304 (B)/34 of the Indian Penal Code.

3. The petitioner submits that there is no allegation with respect to dereliction of duty. He next submits that he is innocent and his wife has committed suicide. He further submits that he was not present in the house, when the occurrence took place. The petitioner submits that he was subsequently released on bail, on

08.05.2013. He submits that though he has been released on bail, but neither his suspension is revoked nor he is allowed to give his joining.

4. Counsel for respondent no.4 submits that there is an alternative remedy of appeal under Regulation 36 of the Airports Authority of India Employees (Conduct, Discipline and Appeal) Regulation, 2003 (hereinafter referred to as 'Regulation, 2003').

5. It is true that Rule 23 of the Regulation, 2003 vest power with the authority to suspend an employee pending departmental proceeding or in contemplation of the same or where a criminal case is pending investigation or trial. Nonetheless, an employee need not be kept under suspension for a long time, if there is delay in conclusion of the criminal case, not on account of the employer.

6. Having regard to the facts of the case, if the criminal case is not concluded within six months for no fault of the petitioner, the respondents would revoke the suspension of the petitioner, as the criminal case is not with respect to any of his conduct as an employee of the Airport Authority of India.

7. With the aforesaid observation, this application stands disposed of.

(Samarendra Pratap Singh, J.)

Uday/-

U			
---	--	--	--