

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12200 of 2017

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1. Vijay Kumar @ Bijay Kumar S/o late Deoki Raio Resident of Saristabad,
Western Tola, P.S. Gardanibagh, District- Patna..... Petitioner/s

Versus

1. South Bihar Power Distribution Company Ltd., Bidyut Bhawan, Bailey Road, Patna through its Managing Director.
 2. The Managing Director, South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
 3. The Deputy General Manager (H.R.) South Bihar Power Distribution Company Ltd., Patna Circle, Patna.
 4. The Electrical Superintending Engineer, Electrical Circle, Patna Circle, Road No. 1, R. Block, Patna- 1.
 5. The Electrical Superintending Engineer, Electrical Supply Division, Fatuha, Patna.
 6. The Assistant Electrical Engineer, Electric Supply Sub-Division, Fatuha, Patna.
 7. The Junior Electrical Engineer, Electric Supply Section, Fatuha (Urban), Patna.
- Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Tewary

For the Respondent/s : M/s. Nivedita Nirvikar & Tarique Yazdani

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

6 16-11-2017

Heard both sides.

The petitioner has filed this writ petition for quashing the order dated 26.05.2015, as contained in memo No. 1699, by which the petitioner has been suspended.

The learned counsel for the petitioner submits that earlier the petitioner filed CWJC No. 19235 of 2013 for a direction to the respondents to pay salary to the petitioner. The aforesaid writ petition was disposed of vide order dated 08.08.2016, directing the respondents to accept the joining of the petitioner, and in pursuance thereof the joining of the petitioner was accepted on 01.09.2016 but on 01.09.2016 itself the petitioner came to know that he has been suspended w.e.f. 26.05.2015, vide order contained in memo No. 1699, but the same was never served upon the petitioner. No subsistence allowance is being paid to the petitioner even after joining of the petitioner on 01.09.2016.



The respondents filed counter affidavit. Mrs. Nivedita Nirvikar, the learned counsel for the South Bihar Power Distribution Company Ltd., submits that earlier the petitioner was posted in the office of Junior Engineer, Electric Supply Division, Fatuha but he was not present on any date. The petitioner was put under suspension w.e.f. 26.05.2015 and his headquarter was fixed in the office of Electric Supply sub-division, Deedarganj but the petitioner never joined there.

The learned counsel for the petitioner submits that petitioner joined in the office of Electric Supply sub-division, Deedarganj on 01.09.2016 but he was prevented from putting his signature on the attendance register.

I do not agree with the submission made by the learned counsel for the petitioner that petitioner was prevented from putting his signature on the attendance register. It appears from the order dated 08.08.2016 passed in CWJC No. 19235 of 2013 that petitioner was appointed on compassionate ground but he seldom attended the office on one pretext or the other. The petitioner remained absent on the ground of illness but he never submitted application for leave.

However, since the petitioner is put under suspension w.e.f. 26.05.2015, the respondents-authorities are directed to conclude the departmental enquiry within four months from today and pass appropriate order.

Accordingly, this writ petition is disposed of with the direction, as aforesaid.

(Prabhat Kumar Jha, J)

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