

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3860 of 2017

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Sudama Prasad aged about 58 years, son of Late Rajendra Prasad, resident of
Village- Teni Bigha, P.S.- Jehanabad, District- Jehanabad.
... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Rural Work Department, Bihar, Patna.
3. The Engineer in Chief (R.W.D.), Rural Work Department, Govt. of Bihar,
Patna.
4. The Chief Engineer, R.W.D. South Bihar, Patna.
5. The Superintending Engineer, RWD, Work Circle, Gaya.
6. The Superintending Engineer, RWD, Work Division, Saharsa.
7. The Executive Engineer, RWD, Work Division, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar
For the Respondent/s	:	Mr. SMT. ARCHANA MEENAKSHEE-GP6

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2. 12-09-2017 Heard learned counsel for the parties.

The averments made in the writ application have not been denied in the counter affidavit filed on behalf of the Respondents-State of Bihar.

The petitioner is aggrieved by an order, dated 28.02.2017, whereby he has been put under suspension on certain allegation of illegality in respect of payment of bills to a Contractor. The petitioner, at the relevant point of time, was working as Accounts Clerk in Rural Works Department, Jehanabad.

On the same set of allegation, charge-sheet was framed, which was served on the petitioner in the year 2012. The



petitioner was asked to submit his explanation, which he had done. It is the case of the petitioner that his explanation was accepted by the disciplinary authority, i.e, Superintending Engineer, RWD, Works Circle, Gaya, nearly on 28.02.2017. For the same charge, a departmental proceeding came to be initiated in the year 2017 for the same payments made to the Contractor in the year 1995. Before initiation of a departmental proceeding, the petitioner was put under suspension on 28.02.2017.

This time the enquiry report has been submitted by the Conducting Officer in which the petitioner has been exonerated of the charge in the report submitted on 06.06.2017. Till date, no decision has been taken by the Department. I would have taken serious note of the matter but since this time, the enquiry officer has already submitted his report though recently in June, 2017 and the petitioner was put under suspension in February, 2017, I am refraining from making any observation in this regard.

I dispose of this application with a direction to the disciplinaryb authority to pass final order within a period of one month from the date of receipt/production of a copy of this order. If such order is not passed within the aforesaid period, the petitioner's suspension order shall automatically stand revoked.



arun/- This application is disposed of accordingly.

(Chakradhari Sharan Singh, J)

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