

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1414 of 2017

IN

Civil Writ Jurisdiction Case No. 13515 of 2016

- =====
1. The State of Bihar through the Secretary, Rural Works Department, Government of Bihar, Vishweshwaraiya Bhawan, Bailey Road, Patna.
 2. The Secretary, Rural Works Department, Government of Bihar, Vishweshwaraiya Bhawan, Bailey Road, Patna (Bihar).
 3. The Special Secretary, Rural Works Department, Government of Bihar, Vishweshwaraiya Bhawan, Bailey Road, Patna (Bihar).
 4. The Secretary, Planning and Development Department, Govt. of Bihar, Patna.

.... Appellants

Versus

Ram Chandra Sharma son of Late Bachchu Sharma present resident of Adarsh Vihar Colony, P.S. - Rupaspur, District - Patna.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Aditi Hansaria

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-11-2017

Learned counsel for the respondent is permitted to make necessary correction in the Index of the supplementary counter affidavit.

Having heard learned counsel for the parties, we find that in the impugned order passed on 7.7.2017 in C.W.J.C. No.13515 of 2016, the learned Writ Court has quashed the order of suspension because after suspension of the petitioner on 6.8.2014 the departmental proceedings and cognizance in the criminal case were



not taken within the stipulated period and keeping in view the circular of the State Government dated 3.7.1986 the suspension has been quashed. That apart, from the rejoinder to the supplementary counter affidavit filed by the respondent, we find that even in the departmental enquiry, the Enquiry Officer in his report dated 21.11.2017 has exonerated the petitioner of the charges levelled against him.

Taking note of these circumstances, now we see no reason to make any indulgence into the matter. However, the Disciplinary Authority is free to proceed with the departmental proceedings from the stage of submission of the Enquiry Officer's report.

With the aforesaid, this appeal is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
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