

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13303 of 2016

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Ram Chandra Yadav, S/o Late Jamun Yadav, R/o Vill + P.O. - Baghwa, P.S. - Mahishi, District - Saharsa at present posted as Revenue Karamchari, Anchal - Kahra, Halka No - 5, P.S. + District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reform, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reform Department, Govt. of Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The Collector cum District Magistrate, Saharsa.
5. The Addl. Collector, Saharsa.
6. The Sub Divisional Officer, Saharsa.
7. The D.C.L.R. Saharsa Sadar, Saharsa.
8. The Circle Officer, Anchal - Kahra, District - Saharsa.
9. The Karyalay Mantri, Zila Bhoodan Yagua Karyalaya, Purale Bazar, P.S. + Distt. - Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Chandra Prasad Bharti, Adv.
For the Respondent/s : Ms. Prakritita Sharma, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-05-2017

Heard Mr. Ram Chandra Prasad Bharti, learned counsel
appearing for the petitioner and Ms. Prakritita Sharma, learned
Assisting Counsel to Standing Counsel No.25 for the State.

The petitioner is aggrieved by the order bearing Memo
No.273 dated 24.2.2016 of the District Magistrate, Saharsa,
whereby the petitioner has been put under suspension in exercise of
powers vested under rule 9(1)(a) of the Bihar Government Servants
(Classification, Control and Appeal) Rules, 2005 (hereinafter
referred to as 'the Rules').



A counter affidavit is filed on behalf of the respondent-State in which it is stated at paragraph 10 that the departmental proceeding was initiated on the basis of charge-sheet framed against the petitioner in Form 'क', a copy of which is present at Annexure-11. At paragraph 15 of the counter affidavit it is stated that the departmental proceeding so initiated against the petitioner is likely to be concluded soon.

Contesting the position it is stated by the petitioner in paragraph 23 of the rejoinder that although as per the guidelines issued by the Department of Personnel and Administrative Reforms the departmental proceeding is to be concluded within a year but as of now the petitioner has merely been issued show cause notice and nothing further.

It is rather surprising that even when the enquiry is yet pending that the respondents i.e. the Commissioner, Koshi Division, the Collector cum District Magistrate, Saharsa, the Additional Collector, Saharsa, the Sub-Divisional Officer, Saharsa speaking through the Circle Officer have given a misleading statement at paragraph 15 of the counter affidavit that the departmental proceeding is likely to be concluded when not even enquiry report has been submitted.

In the circumstances, the District Magistrate, Saharsa is



directed to ensure that the departmental proceeding is concluded in accordance with law after giving opportunity to the petitioner within a period of three months from the date of receipt/production of a copy of this order, failing which he should consider the prayer of the petitioner for revocation of suspension and pass appropriate order within four weeks of the expiry of the stipulated period.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01-06-2017
Transmission Date	NA

