

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18951 of 2016

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Javed Ashraf, son of Sri Abdul Halim, resident of Harun Colony, P.O.+P.S.-
Phulwarisharif, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Joint Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer-2 cum Presiding Officer, Rural Works Department, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate with
Mr. Ashish Giri, Adv.

For the Respondent/s : Mr. Prabhu Narain Sharma, AC to AG

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 01-09-2017

Heard Mr. Y.V. Giri, learned senior counsel appearing for the petitioner who appears along with Mr. Ashish Giri, learned Advocate on record and Mr. Prabhu Narain Sharma, learned Assisting Counsel to the Advocate General for the State.

The petitioner while questioning the order of suspension bearing Memo No.1845 dated 27.5.2015 passed by the Joint Secretary, Rural Works Department, Government of Bihar, Patna has relied upon a judgment of the Supreme Court reported in **(2015)7 SCC 291 (Ajay Kumar Choudhary vs. Union of India)** as well as the orders enclosed at Annexure 21 series to submit that undue delay is one of the grounds for revocation of suspension but the said principle has not been applied in so far as the case of the petitioner is concerned. Mr. Giri submits that not even the enquiry report has been submitted in the case.

Having heard learned counsel for the parties and considering



that though the disciplinary proceeding was initiated against the petitioner in the year 2015 and although a period of 2 years has lapsed but the matter remains at enquiry stage, this Court would direct the Principal Secretary, Rural Works Department, Government of Bihar, Patna to ensure that the disciplinary proceeding so initiated against the petitioner is concluded within a maximum period of six months from today failing which he should consider the prayer of the petitioner for revocation of his suspension in the light of the position explained by the Supreme Court in the case of **Ajay Kumar Choudhary** (Supra) as well as the orders of the State Government present at Annexure 21 series which, according to Mr. Giri, was passed in similar circumstances and pass appropriate orders in accordance with law within four weeks of such expiry.

It goes without saying that the petitioner should cooperate in the proceedings.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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