

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18906 of 2016

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1. Dadan Ram son of Late Sudarshan Ram Resident of Village - Ghurki, Police Station - Dinara, District - Rohtas, Presently suspended Panchayat Sachiv of Gram Panchayat Raj Magraun, Block - Nasariganj, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary of Panchayati Raj Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas.
3. The District Panchayati Raj Officer, Rohtas.
4. The Deputy Collector (Departmental Enquiry), District - Rohtas.
5. The Sub-Divisional Officer, Bikramganj, District - Rohtas.
6. The Deputy Collector, Land Reforms, Bikramganj, District - Rohtas.
7. The Block Development Officer Nasriganj, District - Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Prasad, Adv.
Mr. Santosh Kumar, Adv.

For the Respondent/s : Mr. Ajay-GA5
Mr. Pratik Kumar Sinha, A.C. to G.A.5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 14-12-2017

Heard Mr. Nawal Kishore Prasad, learned counsel for the petitioner, who appears along with Mr. Santosh Kumar, Advocate on record and Mr. Pratik Kumar Sinha, A.C. to G.A.5 for the State.

The petitioner is aggrieved by the order dated 20.01.2014 of the District Magistrate, Rohtas impugned at Annexure-6 whereby the District Magistrate as the disciplinary authority of the petitioner, in exercise of power vested under the Bihar Government Servant



(Classification, Control and Appeal) Rules, 2005 while initiating a disciplinary proceeding against the petitioner on charge of financial irregularities has by the same order issued order of suspension.

A counter affidavit is filed and learned State counsel in reference to paragraphs 10 and 11 submits that the proceedings is almost at its completion inasmuch as the enquiry report has been submitted by the Enquiry Officer and now the disciplinary authority needs to pass final orders in accordance with the provisions of the disciplinary rules. He further submits that the subsistence allowance has been credited in the account of the petitioner.

It is stated by learned counsel for the petitioner that the subsistence allowance has been paid but only partially.

Having heard learned counsel for the parties and considering the stage as well as the charges facing the petitioner, I am not persuaded to interfere with the order of suspension at this stage. This writ petition is accordingly disposed of with the direction to the District Magistrate, Rohtas, the respondent No.2 who happens to be the disciplinary authority of the petitioner, to dispose of the disciplinary proceedings initiated against the petitioner and since the enquiry report has already been submitted on 15.5.2017 it is expected that final orders would be passed by the District Magistrate in



accordance with law expeditiously and preferably within three months from the date of receipt/production of a copy of this order, if not already passed. The District Magistrate would also ensure that the subsistence allowance is paid to the petitioner in its entirety

The writ petition is disposed of with the direction
aforementioned.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.01.2018
Transmission Date	NA

