

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14104 of 2016

=====

Lakshman Ram, Son of Late Nakchhed Ram, Resident of Village - Kararia, Police Station - Kotwa, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Water Resources Department, Bhagalpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.
Mr. Satya Prakash, Adv.

For the Respondent/s : Mr. Apurva Kumar, AC to GA-4

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-05-2017

The records of the proceedings contain a counter affidavit to be filed in CWJC No.14608 of 2016, which has been filed through Mr. Partha Sarthi, learned Government Advocate No.4. Let the said counter affidavit be returned to him for its proper filing.

Heard Mr. Bindhyachal Singh, learned counsel appearing for the petitioner and Mr. Apurva Kumar, learned Assisting Counsel to Government Advocate No.4 for the State.

The petitioner is aggrieved by the order bearing Memo No.1447 dated 19.7.2016, whereby the petitioner has been put under suspension for the alleged acts of misconduct, a copy of



which is enclosed at Annexure-9 to the writ petition.

It is not in dispute that following the suspension order charges were framed against the petitioner vide Annexure-A to the counter affidavit which is founded on three allegations. The charge memo has been served on the petitioner on 26.7.2016 by the Deputy Secretary to the Government, Water Resources Department.

When this matter is taken up for consideration Mr. Bindhyachal Singh, learned counsel appearing for the petitioner has fairly admitted that vide resolution bearing Memo No.2358 dated 28.10.2016, the State Government has decided to initiate a departmental proceeding against the petitioner. It is however stated by Mr. Singh that the disciplinary proceeding has not progressed much.

The learned State Counsel has no up-to-date information as to the status of the disciplinary proceeding.

Having heard learned counsel for the parties and considering that the suspension order is now followed by initiation of a departmental proceeding for the alleged acts of misconduct which is also the foundation for the suspension order, I deem it proper to direct the Disciplinary Authority of the petitioner i.e. the State Government to dispose of the disciplinary proceeding in accordance with law and with due opportunity to the petitioner



within a maximum period of four months from the date of receipt/production of a copy of this judgment.

It goes without saying that in case the departmental proceeding is not concluded within the period stipulated then the Disciplinary Authority shall consider the prayer of the petitioner for revocation of his suspension and dispose of the same within a period of four weeks thereafter.

The writ petition stands disposed of.

(Jyoti Saran, J)

SKPathak/-

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

