

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10923 of 2016

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Ramashish Prasad@ Ramashish Paswan @ Ramashis Kumar Son of Late Shiv
Dayal Paswan Resident of village - Rejopatti, P.S. Sitamarhi, District - Sitamarhi
.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Government of Bihar
 2. The District Magistrate, Motihari, East Champaran
 3. The Additional Collector, Fenhara, East Champaran null null
 4. The Circle officer, Ghorasahan, East Champaran
 5. The In - Charge Anchal Nazir, Ghorasahan, East Champaran
- Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Archit Rajpal, Adv.
Ms. Vaishali Sinha, Adv.
For the Respondent/s : Mr. Durgesh Nandan, AAG-14

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-05-2017

Heard Mr. Archit Rajpal, learned counsel for the petitioner and Mr. Durgesh Nanda, learned AAG-14, for the State.

The petitioner has questioned his suspension order which is accompanied with certain allegations bearing Memo No. 217 dated 16.3.2016 of the District Magistrate, East Champaran at Motihari, a copy of which is impugned at Annexure 14.

A counter affidavit has been filed enclosing a charge memo drawn against the petitioner at Annexure R/3 and it is stated by the respondents that the District Magistrate vide letter dated 20.2.2017 has directed the Enquiry Officer i.e. Addl. Collector, East Champaran, Motihari, vide Annexure R/7 to conclude the proceedings by holding it on day to day basis. Though the letter of the District Magistrate, East Champaran at Annexure R/7 issuing such directions is dated 20.2.2017 and although counter affidavit was filed almost two months thereafter on 7.4.2017 but the counter affidavit does not discuss development, if any, that has taken place in the matter.



Be that as it may, having heard learned counsel for the parties and considering that the allegations which accompanies the suspension order at Annexure 14 has resulted in a formal proceeding vide Annexure R/3, for the present I would direct the District Magistrate, East Champaran as well as the Addl. Collector, East Champaran, who is the conducting officer in the present case, to take expeditious steps for conclusion of the departmental proceeding so initiated against the petitioner in accordance with law and pass final orders thereon after due opportunity to the petitioner, expeditiously and preferably within a period of three months from the date of receipt/ production of a copy of this order.

In case the departmental proceeding so initiated against the petitioner is not concluded within the time frame so given for the reasons not attributable to the petitioner, the District Magistrate, East Champaran would consider the prayer of the petitioner for revocation of suspension and dispose of the same within four weeks thereafter in accordance with law.

With the aforementioned observation and direction, this writ petition is disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.05.2017
Transmission Date	NA

