

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.15066 of 2016**

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Dilip Kumar son of Late Ganaur Mahto, Resident of Village- Prahladpur, P.S. Mushahari, District- Muzaffarpur.

.... .... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Director, Land Acquisition and Rehabilitation, Water Resources Department, Bihar, Patna.
4. Special Land Acquisition Officer, Gandak Project, Muzaffarpur.
5. Special Land Acquisition Officer, Semi Irrigation Project, Bhagalpur.

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Pramod Kumar, Adv.

For the Respondent/s : Mr. Kunal Tiwary, AC to GA2

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

**ORAL JUDGMENT**

**Date: 30-06-2017**

Heard Mr. Pramod Kumar, learned counsel for the petitioner and Mr. Kunal Tiwary, AC to GA-2, for the State.

The petitioner is aggrieved by the order of suspension bearing Memo No. 1360 dated 12.8.2016 passed by the Director, Land Acquisition and Rehabilitation, Bihar, Patna.

The allegation against the petitioner is that he delayed in effecting delivery of a letter of the Special Land Acquisition Officer addressed to Punjab National Bank, Aghoria Bazar, whereby an order of restraint on the payment of compensation amount was issued but since the said letter was delivered belatedly on 10.3.2014, in between a sum of Rs.3,56,03,628/- was disbursed by way of compensation.



The foundation for suspension order is being contested by Mr. Pramod Kumar, learned counsel for the petitioner, on grounds that delivery of letter was not in the nature of the duty to be discharged by the petitioner and secondly, that 24 letters had to be delivered on 8.3.2014 and since 9th March, 2014 was a Sunday, there was no extra-ordinary delay in delivery of the letter on 10.3.2014.

Mr. Tiwary, learned counsel appearing for the State, in reference to the counter affidavit has submitted that a disciplinary proceeding has been initiated against the petitioner but the petitioner is not co-operating in the disciplinary proceeding, rather has not even joined the Headquarters until filing of the supplementary counter affidavit on 10.4.2017. It is, thus, submitted that the delay in conclusion of the proceeding is attributable to the petitioner.

Although Mr. Pramod Kumar attempts to contest the submissions of Mr. Tiwari in reference to paragraph 5 of the supplementary counter affidavit, but considering that the copy of the supplementary counter affidavit was served on the petitioner as back as on 8.4.2017 with no contest on the statement made therein, Mr. Pramod Kumar cannot be orally permitted to contest the statement of the respondents regarding lack of co-operation by the petitioner.

In the circumstances discussed and where a disciplinary proceeding has been initiated against the petitioner with the service of



charge memo, a copy of which has been enclosed at Annexure 'A' to the counter affidavit, for the present while directing the petitioner to co-operate with the proceeding I would direct the disciplinary authority cum Joint Secretary cum Director, Land Acquisition and Rehabilitation, to ensure conclusion of the proceeding within a period of three months from the date of receipt/ production of a copy of this order.

It goes without saying that in case the proceeding is not concluded within the period stipulated above for the reasons not attributable to the petitioner, the disciplinary authority shall consider the prayer of the petitioner for revocation of suspension and pass appropriate order within one week thereafter.

The writ petition is disposed of with the aforementioned directions.

**(Jyoti Saran, J)**

Surendra/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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