

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14937 of 2016

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Vinod Kumar, son of Biggu Ram, resident of Village- Thatheri Bazar, P.S.- Buxar,
District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Joint Director, Agriculture Statistics, Revenue and Land Reforms Department, Government of Bihar, Patna.
4. The Collector, Rohtas (Sasaram).
5. The Addl. Collector, Rohtas (Sasaram).
6. The Sub Divisional Officer, Sasaram, Rohtas.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav, Adv.

For the Respondent/s : Mr. Rishi Raj Sinha, SC19

Mr. Akhilesh Kumar Sinha, AC to SC19

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 21-07-2017

Heard Mr. Suraj Narain Yadav, learned counsel appearing
for the petitioner and Mr. Rishi Raj Sinha, SC-19, for the State.

The petitioner has questioned the order dated 24.5.2016 of
the Principal Secretary, Revenue and Land Reforms Department,
Government of Bihar, Patna, whereby he has been put under
suspension in exercise of power vested under Rule 9(1) of the Bihar
Government Servants (Classification, Control and Appeal) Rules,
2005 (hereinafter referred to as 'the Disciplinary Rules'). Alongside a
departmental proceeding was initiated by service of charge memo, a
copy of which has been placed on record vide Annexure 3, on



21.3.2016.

It is in reference to the counter affidavit that it is submitted by Mr. Sinha that the enquiry report has already been submitted by the Enquiry Officer who vide letter dated 24.6.2017 has forwarded the report to the District Magistrate and who in turn has referred the matter to the Principal Secretary vide letter dated 28.6.2017, present at Annexures 'C' and 'D' respectively.

Although Mr. Yadav, learned counsel appearing for the petitioner, has raised issue as regarding validity of the proceedings as according to him, the procedure provided under 'the Disciplinary Rules' has not been followed, but, in my opinion, since the matter yet rests for final decision with the disciplinary authority, any opinion by this Court would be prejudicing the case of either of the parties.

Having heard learned counsel for the parties and considering that the enquiry is completed and the report has been submitted for a decision thereon in tune with the provisions underlying Rule 18 of 'the Disciplinary Rules, I deem it proper to direct the Principal Secretary, Revenue and Land Reforms (respondent no.2) to take the disciplinary proceeding to its conclusion in accordance with the procedure so provided under 'the Disciplinary Rules' within a period of three months from the date of receipt/production of a copy of this order.



The records so produced by Mr. Sinha for perusal of this Court be returned for his custody.

It goes without saying that should there be any delay in conclusion of the proceedings within the period stipulated above, the Principal Secretary would consider the prayer of the petitioner for revocation of suspension order within four weeks thereafter.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.07.2017
Transmission Date	NA

