

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17928 of 2016

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Pran Nath Munna, Son of Sri Balmiki Prasad Singh, resident of village - Fatehpur,
P.O. Ugawan, P.S. Asthawan, District- Nalanda at present Supply Inspector (Under
Suspension), Makhdumpur, Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary to the Govt. of Food & Consumer Protection Department, Govt. of Bihar, Patna.
2. Deputy Secretary, Department of Food & Consumer Protection, Government of Bihar, Patna.
3. The District Magistrate, Gaya.
4. The Sub - Divisional Officer, Jehanabad.
5. The District Supply Officer, Jehanabad.
6. The Chairman - cum - Managing Director, Bihar State Food & Civil Supplies Corporation, Khaad Bhawan, Daroga Roy Path, Bihar, Patna.
7. District Manager, Bihar State Food Corporation, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukul Sinha, Adv.
Mr. Rajesh Kumar, Adv.
For the Respondent/s : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 25-08-2017

According to Mr. Mukul Sinha, learned counsel appearing for the petitioner the order of suspension passed on 2.3.2016 impugned at Annexure 1 stands invalidated in view of the stipulations present under rule 9(7) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as 'the Disciplinary Rules') for the reason that no charge sheet has been framed within a period of three months or even in the extended period of four months rather the charge-sheet in the case has been submitted on 16.5.2017 i.e. after the writ petition was filed on 27.10.2016 and thus the order of suspension has to go in view of the law settled by the Full Bench of this Court



rendered in the case of **State of Bihar vs. Gyan Kumar Ram** reported in **2009(4) PLJR 272**.

The argument of Mr. Mukul Sinha cannot be contested rather is supported by the materials on record.

Having heard learned counsel for the parties and in view of the law settled by a Full Bench of this Court in the case of **Gyan Kumar Ram** (supra) the order of suspension is held invalidated in view of the stipulations provided under rule 9(7) of ‘the Disciplinary Rules’ and accordingly the suspension order bearing Memo No.1566 dated 2.3.2016 impugned at Annxure-1 is quashed and set aside. The petitioner is reinstated on his post.

Let the admissible dues of the petitioner be paid to him within a period of three months from the date of receipt/production of a copy of this judgment.

The writ petition is allowed with the direction aforementioned.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31-08-2017
Transmission Date	NA

