

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13898 of 2016

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Rajiv Ranjan, Son of late Surendra Prasad Singh, Resident of Village- Gosainpur
P.O.- Yogipur, P.S- Hilsa, District- Nalanda at Present Supply Inspector (Under
Suspension) Kashichak , Nawada.

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary to the Govt. of Food & Consumer Protection Department, Govt. of Bihar, Patna.
2. The Deputy Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. The District Magistrate, Nawada.
4. The Sub-Divisional Officer, Nawada.
5. The District Supply Officer, Nawada.
6. The Chairman-cum Managing Director, Bihar State Food & Civil Supplies Corporation , Bihar Patna.
7. The District Manager, State food Corporation Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mukul Sinha, Advocate Mr. Rajesh Kumar, Advocate
For the Respondent-State	:	None.
For the Respondent-BSFC	:	Mr. Aditya Prakash Sahay, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-05-2017

Heard Mr. Mukul Sinha, learned counsel appearing for the petitioner and Mr. Aditya Prakash Sahay, learned counsel appearing for the Corporation. There is no representation on behalf of the State.

The petitioner is aggrieved by the order bearing Memo No.1563 dated 2.3.2016, whereby the petitioner has been put under suspension, a copy of which is impugned at Annexure-1 to the writ petition.

A rather short argument has been advanced by Mr. Sinha, learned counsel appearing for the petitioner relying upon rule 9(7) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as 'the Rules') to submit that although the



suspension order was passed as back as on 2.3.2016 but till date no charge-sheet has been framed. He submits that he has drawn the attention of the respondents time and again for revocation of the order of suspension vide representations dated 18.7.2016 and 25.7.2016 present at Annexures 17 and 18 to the supplementary affidavit filed in the present proceeding but yet no steps have been taken in this regard.

Having heard learned counsel for the parties and in view of the law laid down by a Full Bench of this Court since reported in **2009(4) PLJR 272 (The State of Bihar vs. Gyan Kumar Ram)** the order of suspension has lost its force and is rendered illegal in view of the stipulation present at rule 9(7) of ‘the Rules’. In consequence the order of suspension passed against the petitioner bearing Memo No.1563 dated 2.3.2016 impugned at Annexure-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	24.05.2017
Transmission Date	NA

