

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13445 of 2016

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Ritesh Kumar, aged about 23 years, son of Upendra Paswan, Resident of Village-Aajan, P.O.- Hardi, P.S. & District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. Inspector General, B.M.P., Bihar, Patna.
4. The Deputy Inspector General, B.M.P. (Central Division) Patna.
5. The Assistant of I.G., Bihar, Patna.
6. The Home Commissioner, Government of Bihar, Patna.
7. The Commandant, B.M.P.-3, Bodh- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Jha, Advocate

For the Respondent/s : Mr. Krishna Chandra, AC to AG

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 07-04-2017

Heard Mr. Ranjit Jha, learned counsel appearing for the petitioner and Mr. Krishna Chandra, learned Assisting Counsel to the Advocate General for the State.

The petitioner is aggrieved by the order of suspension bearing Memo No.2737 dated 5.11.2015 impugned at Annexure-8/A to the writ petition.

Although it is stated by Mr. Jha, learned counsel appearing for the petitioner that a disciplinary proceeding was initiated by framing of charge on 11th of March, 2016 i.e. beyond the period of 90 days prescribed under rule 9(7) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 but then the petitioner did not question the suspension at the



relevant time and now that the charge admittedly has been framed this proceedings requires to take its logical conclusion but in the nature of the allegation facing the petitioner reflected from the order of suspension and the charge framed I am not at the present stage persuaded to interfere with the order of suspension.

The writ petition is accordingly disposed of with a direction to the Disciplinary Authority to conclude the disciplinary proceeding in accordance with law within a maximum period of four months from the date of receipt/production of a copy of this order.

In case the disciplinary proceeding in question is not concluded within the period stipulated for reasons not attributable to the petitioner, then the Disciplinary Authority would be obliged to consider the prayer of the petitioner for revocation of his suspension and pass appropriate order in accordance with law within four weeks of the expiry of the stipulated period.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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