

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3944 of 2017

=====

Satyendra Nath Lal Son of Late K.P. Lal, Resident of Jagmano Shree Garden,
Flat No. 202- B, Block, Ved Nagar, P.S.- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue & Land Reforms Department, Old Secretariat, P.S. Sachiwalaya, District- Patna, Bihar. null null
2. The Principal Secretary, Revenue & Land Reforms Department, Old Secretariat, Govt. of Bihar, Patna.
3. The Under Secretary to Govt. of Bihar, Revenue Department, Old Secretariat, P.S. Sachiwalaya, District- Patna, Bihar.
4. Mr. Jitendra Kumar Singh, the Additional District Magistrate cum Conducting Officer, Departmental Enquiry, Collectorate Compound, P.S. Gandhi Maidan, District- Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra
For the Respondent/s : Mr. S.C.YADAV-GP15

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 12-09-2017 Heard learned counsel for the parties.

The petitioner is aggrieved by an order dated 14.02.2014, issued by the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, whereby he has been put under suspension on the ground of pendency of criminal case against him.

The criminal case is still pending. The suspension order was passed after the petitioner was taken into custody. He is said to have been released on bail. Rule 9 (C) of the Bihar Government Servant (Classification, Control and Appeal)



Rules, 2005 confers upon the appointing authority or any authority to which the appointing authority is subordinate or the disciplinary authority or any other authority empowered in that behalf by the Government by general or special order, power to place a Government servant under suspension when a disciplinary proceeding against the Government servant is contemplated or is pending, or a case against the Government servant in respect of any criminal offence is under investigation, enquiry or trial and the competent authority is satisfied that it is expedient to suspend the Government servant in public interest.

Learned counsel for the petitioner has submitted that the petitioner should not be allowed to continue under suspension for indefinite period. He has submitted that the departmental proceeding has also been initiated against the petitioner in respect of the same transaction, which is yet to be concluded, though second show cause reply has already been filed by the petitioner.

Be that as it may, I do not find any reason to interfere with the impugned order of suspension since it has been passed in view of the pendency of the criminal case against the petitioner.

So far as the disciplinary proceeding is concerned, I direct



the respondent No.2 to conclude the same by passing a final order within one month from the date of receipt/production of a copy of this order. The disciplinary authority may consider reviewing the order of suspension, if the result of the disciplinary proceeding goes in favour of the petitioner.

This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

arun/-

U			
---	--	--	--

