

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13816 of 2016

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Nand Kishore Singh, Son of Sri Awadh Bihari Singh, Resident of Village - Singhra,
P.S.- Konch, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Finance Department, Old Secretariat, Govt. of Bihar, Patna.
3. The Secretary (Expenditure), Finance Department, Old Secretariat, Govt. of Bihar, Patna.
4. The Joint Secretary, Finance Department, Old Secretariat, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate with
Mr. Pratap Sharma, Advocate

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-05-2017

Heard Mr. Y.V. Giri, learned senior counsel appearing for the petitioner along with Mr. Pratap Sharma, the Advocate on record. There is no representation on behalf of the learned Advocate General.

The petitioner is aggrieved by the order of suspension passed under rule 9(1) (a) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as 'the Rules') bearing Memo No.6037 dated 29.7.2016, a copy of which is impugned at Annexure-6 to the writ petition.

An FIR precedes the order of suspension arising from Vigilance P.S. Case No.24 of 2014 for the offences punishable



under the provisions of the Prevention of Corruption Act. The allegation against the petitioner is of bribe taking.

In so far as the criminal case is concerned the matter remains pending before the criminal court. It is stated by Mr. Giri, learned senior counsel for the petitioner that no charge-sheet has been submitted although a period of three years has lapsed. It is stated by Mr. Giri that it is more than two years after the institution of the vigilance case that a departmental proceeding was initiated against the petitioner by service of a charge memo vide letter dated 23.6.2016 a copy of which is present at Annexure-4 on self same charges. The order of suspension has followed the initiation of the departmental proceeding vide Memo No.6037 dated 29.7.2016 impugned at Anenxure-6.

It is the submission of Mr. Giri that although the respondents themselves did not think it proper to suspend the petitioner despite the vigilance case, it is two years thereafter that they have decided to initiate departmental proceeding against the petitioner and whereafter the order of suspension has been passed.

With reference to Anenxure-7 which is the enquiry report brought on record through supplementary affidavit it is submitted that the Enquiry Officer has exonerated the petitioner of all charges as manifest from the concluding portion of the enquiry report dated 27.1.2017. It is stated that although the enquiry report



was submitted as back as in January, 2017 and though it is the State Government who is the Disciplinary Authority of the petitioner, but the Disciplinary Authority has no time to pass final order on the disciplinary proceeding.

Having heard learned counsel for the petitioner and considering the stage of the departmental proceeding for the present, instead of interfering with the suspension order, I deem it proper to direct the Disciplinary Authority of the petitioner to dispose of the disciplinary proceeding in accordance with law within a period of three months from the date of receipt/production of a copy of this judgment, failing which the Disciplinary Authority should consider the prayer of the petitioner for revocation of his suspension and pass appropriate order in accordance with law within a period of four weeks thereafter.

The writ petition stands disposed of with the direction aforementioned.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01-06-2017
Transmission Date	NA

