

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4982 of 2017

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Anand Kumar Alok Son of Late Satyadev Prasad Singh, Resident of Village-
Musepur, P.S.-Jehanabad, District-Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Finance Department, Old Secretary Finance Department, Old Secretariat, Govt. of Bihar, Patna.
2. The District Magistrate, Arwal.
3. The Treasury Officer Arwal, District-Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pratap Sharma

For the Respondent/s : Mr. Ram Balak Mahto

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 12-09-2017

By an order, dated 31.10.2014, the petitioner has been put under suspension by the District Magistrate, Arwal, in exercise of power under Rule 9 (1) (c) of the Bihar Government Servant (Classification, Control and Appeal) Rule, 2005 (*in short 'Rules'*), in view of criminal case against him.

2. To assail the impugned order, learned counsel for the petitioner has, *inter alia*, submitted that some of the persons, who are co-accused in the said criminal case, have been released from suspension, in view of certain developments in the departmental proceeding initiated against them. He submits that similar



treatment may be given to the petitioner also by the District Magistrate, Arwal, on the point of suspension.

3. The impugned order, dated 31.10.2014, cannot be said to be illegal or beyond jurisdiction, same having been passed, in view of pendency of criminal case under Rule 9 (1) (c) of the Rules.

4. So far as the plea of the petitioner is concerned, that in similar circumstance some other persons have been released from the order of suspension, the same can be looked into by the District Magistrate, Arwal, if a representation in this regard is made by the petitioner within a period of three weeks from today. It is made clear that this observation should not be taken as any opinion on the decision which the competent authority is to take on the point of suspension. The District Magistrate shall be independent to take his own decision as a competent authority in accordance with law.

5. The application stands disposed of.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
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