

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15325 of 2017

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Mahadeo Tanti, son of Late Kunji Tanti, Resident of Village+ P.O.- Sonbarsa, P.S.-
Sonbarsa Katchahri, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate -cum- Collector, Saharsa.
3. The Sub- Divisional Officer, Saharsa.
4. The Anchal Padhadhikari, Sonbarsa Katchahri, Saharsa.
5. The Superintendent of Police, Saharsa.
6. The Deputy Superintendent of Police, Saharsa.
7. The Station House Officer, Sonbarsa Katchahri Police Station, District- Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Respondent/s : Mr. Arun Kumar Bhagat, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 23-11-2017

Heard Mr. Pramod Mishra, learned counsel appearing for the petitioner and Mr. Arun Kumar Bhagat, learned Assisting Counsel to Additional Advocate General No.12 for the State.

The petitioner is aggrieved by the order of suspension bearing Memo No.1945-2 dated 25.11.2013, whereby he has been put under suspension in exercise of power vested under rule 9(1)(a) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as 'the Rules').

It is not in dispute rather the facts on record would confirm that the disciplinary proceeding has been initiated by service of charge memo, a copy of which is placed at Annexure 6 and which was served as back as on 30.11.2013 and although a period of 4 years is going to lapse according to Mr. Mishra, the proceeding has not progressed. Mr. Mishra also submits that the petitioner is not getting any subsistence allowance.



Obviously a government servant cannot be kept under continued suspension and a period of 4 years does not support any logic.

In the circumstances, I deem it proper to direct the District Magistrate, Saharsa to ensure that the disciplinary proceeding so initiated against the petitioner vide his order dated 30.11.2013 at Annexure 6 be taken to its logical conclusion in accordance with law and with due opportunity to the petitioner expeditiously and preferably within a period of 3 months from the date of receipt/production of a copy of this judgment and in case for any reason not attributable to the petitioner the disciplinary proceeding is not concluded within the period stipulated, the District Magistrate, Saharsa shall consider the prayer of the petitioner for revocation of his suspension and dispose of the same within four weeks of the expiry of the stipulated period as stated above.

Let the District Magistrate, Saharsa forthwith issue orders for payment of subsistence allowance of the petitioner in accordance with law within a period of four weeks from the date of receipt/production of a copy of this judgment.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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CAV DATE	
Uploading Date	
Transmission Date	

