

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7659 of 2017

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Sugan Kumar, son of Late Hanumat Sharan, Resident of Dahiyawan Tola,
Sadhana Puri, Near Jyoti Cinema, P.S. Chapra Moffasil, District- Saran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Co-operative Department,
Bihar, Patna.
2. The Registrar, Co-operative Societies, Bihar, Patna.
3. The Joint Registrar, Co-operative Societies, Saran Division, Chapra.
4. The Asstt. Registrar, Co-operative Societies, Saran Circle, Chapra.
5. The Joint Registrar- cum-the conducting Officer, Co-operative Societies,
Purnea, Division Purnea.
6. The District Co-operative Officer, Siwan.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Dilip Kumar Tiwari, Advocate Mr. Amit Kumar Anand, Advocate
For the Respondent/s	:	Mr. Sushil Kumar, G.P.-22

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date : 20-07-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

2. In this case, the petitioner is challenging the order of suspension on the ground that the charge has been framed after three months from the date of service of order of suspension, and as such, it should be treated to have been withdrawn.



3. The Full Bench of this Court in the case of *The State of Bihar and Ors. vs. Gyan Kumar Ram*, reported in *2009(4) PLJR, 272* has already decided that even after expiry of three months *suo motu* the order of suspension will not be treated to have been vacated subject to filing of application. If before filing of application the charge-sheet is served upon the petitioner, in such circumstance, illegality will be treated to have been cured.

4. Learned counsel for the petitioner submits that the present proceeding has been running on and from 09.06.2014 and till date the inquiry has not been completed.

5. In such view of the matter, this Court directs the Inquiry Officer to conclude the inquiry within a period of six months from the date of receipt/production of a copy of this order.

6. At this stage, a complain has been made by learned counsel for the petitioner that the petitioner has not been paid the subsistence allowance. If a person has been put under suspension, the obligation lies upon the State to pay the suspension allowance to the said employee as per the Bihar Government Servants (Classification, Control & Appeal) Rules,



2005. Hence, it is expected that the Government will release the suspension allowance in favour of the petitioner within a period of three weeks from the date of receipt/production of a copy of this order.

7. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	28.07.2018
Transmission Date	N/A.

