

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21591 of 2018

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Ram Bilas Singh, S/o late Sukhdeo Singh, R/o Village + P.O.- Mahendrapur,
District- Begusarai at present resident of Mohalla - Sahjanand Nagar, Hemra
Road Ward No. 40, P.O. Begusarai, District- Begusarai.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Health,
Government of Bihar, Vikash Bhawan, Patna.
2. The Joint Secretary, Health Services, Govt. of Bihar, Vikash Bhawan, Patna.
3. The Director in Chief, Health Service, Govt. of Bihar, Vikash Bhawan,
Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Om Prakash Pandey, Advocate Dr. Pramod Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Birju Prasad -GP-13 Mr. Ajit Anand, A.C. to G.P.-13 Ms. Shweta Anand, A.C. to G.P.-13

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 16-07-2019

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

In the present case, the petitioner has raised
grievance that he has been put under suspension since 2005.

As it appears that from the record that the petitioner
was caught red-handed while taking bribe in a trap conducted by
the Vigilance Department, that led to lodging of Criminal case
against him, which was registered as Bhabhua P.S. Case No. 72



of 2005. Side by side, the Department has also initiated a departmental proceeding. Against the order of suspension, the petitioner has moved before this Court in C.W.J.C. No.23538 of 20013, in which the Court has refused to pass an order for revoking the order of suspension on account of fact that it is based on a criminal case and he was taken in custody while taking bribe. Relevant portion of the order is as follows:-

“if the petitioner was really concerned about his continuation of suspension on account of pendency of criminal case, he had all the reason to move competent court for a direction for disposal of his criminal case. This Court, therefore, now when the petitioner has filed this writ application on 25.11.2013 and has categorically given a certificate that he has never moved this Court for the relief prayed herein i.e. revoking of the order of suspension, would direct the concerned criminal court to ensure that the trial of the petitioner must be expedited and concluded on day-to-day basis and if the petitioner cooperates the trial of the petitioner must be brought to an end within a period of nine months from the date of receipt of this order.”

The Court has further held that *“since the charges against the petitioner has already been served and reply of the petitioner has already been filed, it will be open for the Enquiry*



Officer to proceed and conclude the departmental proceeding but, a final decision on the same will be taken only after the judgment in the pending criminal case”. However, the criminal trial is still pending.

It has been stated by learned counsel for the petitioner that after conclusion of the inquiry, the punishment order was passed against the petitioner, thereby he was dismissed from the service, but due to intervention of this Court in M.J.C. No.2301 of 2017, the competent authority has withdrawn the order of dismissed and his suspension order was restored. It has further been submitted that the petitioner is going to superannuate from the service on 31.07.2019 i.e. after few days. As the trial in criminal case is still to commence, the petitioner is languishing in suspension.

From the record, it appears that earlier the earlier the authority has passed the order of dismissal, but on account of intervention of this Court the order of dismissal was set aside by the competent authority.

In such view of the matter, let the competent authority revoke the order of suspension of the petitioner and take decision in accordance with law on the basis of the finding recorded by the Enquiry Officer. Any punishment inflicted upon



the petitioner will be subject to outcome of the criminal case.

All the exercise should be completed by the competent authority
on or before 25.07.2019.

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	19.07.2019
Transmission Date	

