

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1835 of 2019

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Baidyanath Rajak, son of Late Damodar Baitha, resident of Mohalla- I.T.I. Road, Hathsarganj, in front of O.P. Statue of Damodar Baitha, P.S.-Hajipur Sadar, Dist.-Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Agriculture Department, Govt. of Bihar, Patna
2. The Principal Secretary, Agriculture Department, Govt. of Bihar, Patna
3. The Under Secretary Agriculture Department, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar, Adv
For the Respondent/s : Mr. Awanish Nandan Sinha (GP-21)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 04-02-2019

Though the present petition has been preferred for setting aside the order contained in Memo No. 796 dated 30.11.2018 issued by the respondent No. 2 whereby the petitioner has been put under suspension under the provision of Rule 19(6) of the Bihar Government Servants Conduct Rules, 1976 on the premise that later such order was amended by substituting the provision of Rule 9 (1)(a)(c) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 which *inter alia* pre-supposes that earlier order of suspension was incorrect.



2. The further prayer of the petitioner is for a direction to treat the period of his suspension between 25.09.2017 to 30.11.2018 as duty period and therefore, he be paid for the aforesaid period.

3. After some arguments, learned counsel for the petitioner submits that he would be satisfied if the representation which he has preferred before the Principal Secretary, Agriculture Department contained in Annexure-6 to this petition is disposed off within a period of six weeks.

4. There is no difficulty in accepting the aforesaid innocuous prayer of the petitioner.

5. The Principal Secretary, Agriculture Department/respondent No. 2 is directed to dispose off the representation made by the petitioner on 07.12.2018 within a period of six weeks from the date of production/receipt of a copy of this order.

6. For reminder to the respondent No. 2, the petitioner is directed to make a fresh representation along with a copy of this order which would be placed before



the respondent No. 2 within a period of two weeks from today.

7. With the aforesaid direction, the writ petition is disposed off.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06/02/2019
Transmission Date	NA

