

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18480 of 2018

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Md. Aftab Alam, son of Md. Zafar Alam, resident of 154, Dargah Road
Mandai, Dr. Zakir Hussain High School, Sampatchak, P.S.-Sultanganj, P.O.-
Mahendru, District-Patna, Pin-800006.

... .. Petitioner/s

Versus

1. The State of Bihar, through Collector, Gaya.
2. Secretary, S.C. & S.T. Welfare Department, Patna, Bihar.
3. Director, S.C.& S.T. Welfare Department, Patna, Bihar.
4. Deputy Development Commissioner, Gaya, District-Gaya.,
5. Deputy Director, Welfare, Magadh Division, Gaya, District-Gaya,
6. District Welfare Officer, Gaya, District-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Anukriti Jaipuriyar, Adv
For the Respondent/s : Ms. Nilam Kumari, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 18-04-2019

Heard Ms. Anukriti Jaipuriyar, learned advocate for
the petitioner and Ms. Nilam Kumari, learned AC to SC-3.

2. The petitioner has approached this Court for a
direction for revocation of his suspension and conclusion of
the departmental proceeding which has been initiated against
him.

3. It appears from the records that while the
petitioner was posted as Head Assistant in the office of the
District Welfare Officer, Gaya, an internal audit had taken
place and it was found that approximately Rs. 2,28,13,750/-
have been withdrawn from the HDFC bank with respect to



disbursal of scholarships.

4. The petitioner was suspended on 09.03.2018 and charges were framed against him on 08.08.2018 but it was communicated to the petitioner only on 27.10.2018. It may also be stated here that an F.I.R was lodged by the District Welfare Officer, Gaya arraigning the petitioner as one of the accused.

5. It is the case of the petitioner that the file with respect to withdrawal of the alleged money was never placed before him and only because of his being the Head Assistant, he has been made accused in the case. Even in the memo of charges, which has been served upon him, nothing specific has been alleged against the petitioner. The whole exercise of framing of charge against the petitioner is without application of mind and only for the purpose of providing a cover for the inept handling of the office work of the District Welfare Officer, Gaya.

6. In any view of the matter, this Court after having found that the time limit of three months given in the proceeding by the disciplinary authority has lapsed a long



time ago and the petitioner, in the past, has been continuously cooperating in the departmental proceeding, this Court deems it appropriate to direct the disciplinary authority to conclude the proceeding against the petitioner within a period of three months from the date of production of a copy of this order before the concerned respondent.

7. Needless to state that the petitioner shall continue to cooperate in the departmental proceeding. In case, for some reason which is beyond the control of the disciplinary authority, the proceeding is not concluded within the aforesaid period, the concerned respondent shall consider the desirability of revoking the order of suspension of the petitioner.

8. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23/04/2019

