

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4269 of 2019

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Sunil Kumar Singh, aged about 56 years (Male), Son of Late Sadanand Singh,
R/o - Village - Khopaiti, P.S. Madhepura, Distt. - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
3. The Additional Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
4. The District Magistrate, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (SC4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 08-03-2019

The petitioner is aggrieved by the order dated 27.12.2018, contained in Memo No. 5940, whereby he has been put under suspension by invoking the provisions of Rule 9(1)(a) and (c) of the Bihar C.C.A. Rules, 2005 (*in short the Rules of 2005*).



2. Mr. Anand Kumar Ojha, the learned counsel for the petitioner has submitted that the order in itself, depicts non-application of mind as the two provisions of Rule 9 of the Rules of 2005 had been invoked for suspending the petitioner, namely, contemplation of a departmental proceeding and his involvement in a criminal case. It has further been submitted on behalf of the petitioner, while assailing the order of suspension, that even with the lapse of approximately three months by now, no departmental proceeding has been initiated, namely, charges have not been framed nor any enquiry officer has been appointed. It has, therefore, been submitted that the intention of the respondent authorities is to keep the entire matter in limbo as if suspension is punishment meted out to the petitioner.

3. Some part of the argument of Mr. Ojha, the learned counsel, may not be accepted as three months have not yet passed for him to make this submission.

4. In any view of the matter, the proceeding against a delinquent / an employee is required to be completed as early as possible, but definitely not beyond the



statutory period provided under the Rules of 2005.

5. Mr. Ojha, the learned counsel for the petitioner, has assured this Court that if the departmental proceeding is initiated in time, the petitioner shall cooperate and would not cause any derailment or delay in conclusion of the same. The aforesaid submission made on behalf of the petitioner clearly demonstrates the intention of the petitioner to face the departmental proceeding and explain his *bona fides*.

6. Under such circumstances, the concerned respondents are directed to initiate the departmental proceeding, if at all it is in their contemplation and conclude the same within the statutory period as provided under the Rules of 2005.

7. This order is subject to the caveat that the petitioner responds and cooperates in the proceedings. Nonetheless, the concerned respondents shall not be allowed to take any undue advantage of their superior position as an employer/disciplinary authority by not providing the documents which would be demanded by the petitioner.



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

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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