

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9112 of 2019

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Indra Bhushan Tiwary Son of Late Awadhesh Tiwary Resident of Village-
Chandi, P.O. Narhi Chandi, P.S. Chandi, District- Bhojpur, was posted in the
office of Senior Superintendent of Police, Patna, as a Head Clerk, District-
Patna, presently after suspension Head Quarter is made at B.M.P.- 04,
Dumraon, District- Buxar.

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. The Inspector General of Police, Government of Bihar, Patna Zone (Patna).
4. The Deputy Inspector General of Police, Region Central Range, Patna, District- Patna.
5. The Senior Superintendent of Police, Patna.
6. The Addl. Superintendent of Police, Patna.
7. The City Superintendent of Police, Central/East/West, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Mishra Mr. Ajay Kumar & Ms. Rita Rai
For the Respondent/s	:	Mr. Anil Kumar, AC to SC 8

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 08-08-2019 Heard the parties.

Counsel for the petitioner submits that the petitioner
was posted as Chief Accounts Clerk at Police office at Patna and
has been placed under suspension by the Deputy Inspector
General of Police, Central region, Patna on 14.01.2019. The
suspension continues, however, no further action has been
taken.

The petitioner has filed the instant writ



petition,praying for direction to the respondent authorities, to dispose of his application dated 29.01.2019, praying for revocation of suspension. Counsel for the petitioner further submits that others were also placed under suspension but their suspension has been revoked. Petitioner's continued suspension assumes penal proportion and, therefore, the respondent authorities should have considered his application dated 29.01.2019 maintaining parity with the others.

The State has filed the counter affidavit, the stand in the counter affidavit is that irregularities have been found in the petitioners functioning. Therefore, the petitioner has been placed under suspension.

Certain issues are also pending for consideration before the Lokayukat, Bihar. Be that as it may, the petitioner cannot be continued under suspension as if suspension itself was the penalty, the suspension must be limited and further action if required should be taken as per the provision contained in the relevant service rules.

The authorities in the circumstances should consider revocation of the petitioner's suspension upon his application dated 29.01.2019.

Let respondent no. 3 take a final decision upon the



said representation, in light of the observations hereinabove by passing a reasoned and speaking order within four weeks from the date of receipt/production of a copy of this order.

Accordingly, this writ petition is disposed of.

If the respondent authority will not consider the case and communicate an order within four weeks, this court would direct that petitioner's suspension shall stand revoked.

(Madhuresh Prasad, J)

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