

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18976 of 2017

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Sujay Singh Son of Late Bibhishan Singh, R/o Village-Raghunipatti, P.S.-
Sursand, District-Sitamarhi, at Present Under Suspension From the Post of
Chaukidar Beat No. 1/3 Under Sursand Police Station in the District of
Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Collector, Sitamarhi.
3. The Superintending of Police, Sitamarhi
4. The Dy S.P., Pupri District-Sitamarhi
5. The S.H.O., Sursand, District-Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Respondent/s : Mr.Md.N.H.Khan -Sc1

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

- 3 19-11-2019 The petitioner was posted as Chowkidar in Sursand
Block at the relevant point of time when a criminal case came to
be registered against him at Sursand P.S. Case No.3/2015.
Pursuant to lodging of the FIR he was taken into custody on
04.01.2015 and was placed under suspension. He was released
on bail. It is evident that the order of suspension has been
passed in exercise of power under Rule-9(1)(c) of Bihar
Government Servant (Classification, Control and Appeal) Rules,
2005 which empowers the appointing authority /disciplinary
authority or any other competent authority to place a government
servant under suspension during the pendency of criminal case.

The said order of suspension is under challenge in the



present writ application.

A counter affidavit has been filed on behalf of the State-respondents from which it appears that after completion of investigation charge sheet has been submitted by the police in the criminal case against the petitioner. A departmental proceeding is also proposed to be initiated against the petitioner.

There being clear provision under clause (c) of Sub-rule(1) of Rule-9 which empowers the disciplinary authority to place a government servant under suspension during the pendency of a criminal case, the impugned decision would not require interference at this stage. However, considering the facts and circumstances of the case, this application is disposed of with an observation that let the disciplinary authority consider whether a case for revocation of suspension is made out or not after lapse of more than two years from the date of petitioner's suspension. It is made clear that the observation of this Court should not be treated as a direction to the disciplinary authority to revoke the order of suspension. It will be purely on the discretion of the disciplinary authority to take a decision keeping in mind the statutory provisions and public interest. Since there is no representation on behalf of the petitioner, the court is unaware whether the criminal trial by now has concluded or not. The disciplinary authority shall be at liberty to pass appropriate orders in accordance with law on the basis of existing facts and circumstances.



This application stands disposed of.

(Chakradhari Sharan Singh, J)

Prakash Narayan /-

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