

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.578 of 2018

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1. The State Of Bihar and Ors
 2. The Under secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Old Secretariat, Patna
 3. The Principal Secretary, Department of Co-operative, Govt. of Bihar, Vikash Bhawan, Bailey Road, Patna
 4. The Registrar, Co-operative Societies, Department of Co-operative Govt. of Bihar, Vikash Bhawan, Bailey Road, Patna
 5. The Additional Registrar, Co-Operative Societies, Department of Co-operative Govt. of Bihar, Vikash Bhawan, Bailey Road, Patna.
 6. The District Magistrate, Sitamarhi,
 7. The Additional District Magistrate, Sitamarhi.
 8. The Sub-Divisional Magistrate, Sitamarhi.
 9. The Circle Officer, Parihar, District Sitamarhi.
 10. The District Magistrate, Darbhanga.
 11. The District Co-operative Officer, Muzaffarpur.

... .. Appellant/s

Versus

Raja Ram Singh Son of Sri Bal Ram Singh Resident of Village-Maheshwara,
P.O.-Bhatoura P.S.-Hathouri, District-Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sushil Kumar, G.P. 22 Mr. Rakesh Ranjan, A.C. to G.P. 22
For the Respondent/s	:	Mr. Avanindra Kumar Jha, Advocate Mr. Purushottam Kumar Jha, Advocate Mr. Jitendra Acharya, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-02-2019

I.A. No. 3222 of 2018

Having heard learned Counsel for the parties, we are
satisfied that the delay has been sufficiently explained. The
delay condonation application is allowed. The appeal shall be



treated to be within time.

L.P.A. No. 578 of 2018

Heard learned counsel for the appellant State of Bihar and Shri Avnindra Kumar Jha, learned counsel for the respondent-petitioner. An order of suspension dated 25th of September, 2014 was passed against the respondent-petitioner whereafter he filed C.W.J.C. No. 19685 of 2015 assailing the said order on the ground that it does not specify as to whether any departmental proceedings are pending or not. A learned Single Judge of this Court, vide a judgement dated 25th November, 2016, has quashed the suspension order stating it to be not in accordance with the relevant rules namely, Rule 9(1a) of Bihar Government Servant (Classification, Control and Appeal) Rules, 2005.

Learned counsel for the appellant contends that the suspension order clearly recites the allegations of the charges and also places the respondent petitioner under suspension which is obviously in contemplation of an enquiry. Not only this, the enquiry did proceed and a charge-sheet has been served, to which the respondent-petitioner has submitted a reply.

It is in these circumstances, the quashing of the suspension order has been assailed contending that it was



unwarranted as the proceedings had been undertaken as narrated above.

Countering the said submissions, Shri Jha, learned counsel for the respondent-petitioner submits that it is only after the filing of the writ petition, the charge-sheet was served in March, 2016 to which the respondent-petitioner has already submitted his reply within time, which is admitted to the appellant.

In the aforesaid background, what we find is that the enquiry did proceed and the suspension order had been passed in contemplation of an enquiry, but, at the same time, we find that the charge-sheet came to be served almost after one and half years from the suspension order, that too, during the pendency of the writ petition itself. It is in this background that the suspension order came to be quashed.

The reply has already been submitted by the respondent-petitioner. We, therefore, direct the appellant to proceed with the enquiry and conclude the same in not later than three months from today. There is no need to interfere with the impugned order of the learned Single Judge at this stage keeping in view the aforesaid background of the case.

In the event the respondent-petitioner does not



cooperate, it shall be open to the appellant to proceed and conclude the enquiry in accordance with law.

The appeal stands disposed off with the above direction/s.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/Uma/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.02.2019
Transmission Date	N/A

