

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17147 of 2017

Md. Ibrar Ismail Hasmi S/o Late Md. Ismail, Resident of Mohalla- Khazanchi Hat, P.S.- K. Hat Sahayak, District- Purnia.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Collector-cum-District Magistrate, Purnia.
4. The Deputy Collector, Establishment, Purnia.
5. The Additional Collector, Purnia.
6. The Deputy Development Commissioner, Purnia.
7. The Sub-Divisional Officer, Sadar, Purnia.
8. The Sub-Divisional Officer, Banmankhi, District- Purnia.
9. The Circle Officer, Rupauli, District- Purnia.
10. The Circle Officer, Banmankhi, District- Purnia.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Respondent/s : Mr.Subhash Chandra Yadav -Gp15

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 19-11-2019 An order dated 29.11.2016, whereby the petitioner has been put under suspension, is under challenge in the present writ application. The petitioner was working as Halka Karamchari at the relevant point of time in Banmankhi Block of Purnea district. The allegation against him is of having remained absent unauthorizedly without handing over the charge to any other official. The petitioner's conduct, it appears has led to filing of a criminal case also.

The order of suspension is being assailed mainly on the ground that the same has been passed without initiation of a



departmental proceeding. It is the case of the petitioner that the criminal case lodged against him has also been dropped subsequently.

A counter affidavit has been filed on behalf of the respondents justifying the action of putting the petitioner under suspension for his unauthorized absence and it has been stated that initiation of a departmental proceeding is not condition precedent for passing an order of suspension.

It is not evident from the materials available on the record as to whether any departmental proceeding has been initiated or not and if initiated whether the same has been concluded or not.

Considering the facts and circumstances of the case this application is disposed of with a direction that the order of suspension shall be treated to have been revoked if till date no departmental proceeding has been initiated against the petitioner or if initiated, the same is not concluded within a period of three months from the date of receipt/production of this order.

This application stand disposed of accordingly.

(Chakradhari Sharan Singh, J)

Prakash Narayan /-

U			
---	--	--	--

