

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1430 of 2018

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Sandeep Kumar, son of Shri Venkatesh Raman Singh, resident of Gandhi Nagar, Ashiana, C- 85, Near Patliputra Station, P.S.- Rajiv Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna
2. Principal Secretary, Planning and Development Department, Bihar, Patna.
3. Director, Directorate of Economics and Statistics, Planning and Development Department, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Advocate
		Mr. Krishna Murari, Advocate
For the Respondent/s	:	Mr. Binay Kr. Pandey, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 18-11-2019

Heard learned counsel for the parties.

2. An order dated 11.08.2017, issued by the Director, Directorate of Economics and Statistics, Planning and Development Department, Government of Bihar is under challenge in the present writ application.

3. During pendency of this application, another order dated 25.01.2018 came to be passed under the signature of the Director of the said directorate placing the petitioner under suspension for non-compliance of the impugned order dated 11.08.2017 by the petitioner. The said order dated 25.01.2018 is also under challenge in the present writ application after an



amendment application having been allowed by this Court by an order dated 02.02.2018 passed in this case.

4. Noticing the facts and circumstances and the grounds taken in the writ application and the application seeking amendment in the writ application, this Court by an interim order dated 02.02.2018 has stayed the effect of the orders dated 11.08.2017 and 25.01.2018, till further orders.

5. In order to appreciate the grounds for challenge, it would be apt to take into account certain facts which are not at all in dispute. It is noteworthy that a counter affidavit has been filed on behalf of the State of Bihar wherein the averments made in the writ application have not been controverted. Briefly stated, the facts of the case relevant for adjudication are that when the petitioner was posted as Circle Officer, Masaurhi in the district of Patna, on the allegation of certain misconduct, he was placed under suspension by an order dated 25.06.2014, in view of initiation of a departmental proceeding against him. The District Statistics Office, Muzaffarpur was fixed as his headquarters. During the period of his suspension he had joined his headquarters, as directed in the order of suspension dated 25.06.2014. By a subsequent order dated 18.09.2014, passed by the Planning and Development Department, Government of Bihar,



the order of suspension was revoked. After revocation of the order of suspension, he was relieved by the District Statistics Officer, Muzaffarpur to submit his joining at the place of his posting at Masaurhi by office order dated 22.09.2014.

6. It is the petitioner's case that after having been relieved by the office of the District Statistics Officer, Muzaffarpur, he submitted his joining before the Sub-Divisional Officer, Muzaffarpur and resumed his duties as Circle Officer, Masaurhi. The departmental proceeding initiated against him concluded with the passing of an order dated 13.04.2015 by the Director, Directorate of Economics and Statistics, Planning and Development Department, Government of Bihar whereby the petitioner was exonerated of the charge levelled against him in the departmental proceeding. Subsequently, Revenue and Land Reforms Department, Government of Bihar came out with a notification dated 28.06.2017, transferring 95 Circle Officers from one place to another including this petitioner, whose name figured at serial no. 1. He was transferred by the said notification from the post of Incharge Circle Officer, Masaurhi to Incharge Circle Officer, Patedhi Belsar in the district of Vaishali. After issuance of the said notification dated 28.06.2017, the impugned office order dated 11.08.2017 has been passed by the Director recording that



the order dated 22.09.2014 whereby petitioner was relieved by the District Statistics Officer, Muzaffarpur to join at Masaurhi at circle office itself was bad and deserved to be superseded. He accordingly, by order dated 11.08.2017, cancelled the order whereby the petitioner was relieved in 2014 and directed him to join in the District Statistics Office, Muzaffarpur. Subsequent thereto, for non-compliance of the said order dated 11.08.2017, the Director passed subsequent order dated 25.01.2018 placing the petitioner under suspension.

7. Mr. Abhinav Shrivastava, learned counsel appearing on behalf of the petitioner assailing the impugned order dated 11.08.2017 has submitted that the District Statistics Office, Muzaffarpur was not the petitioner's place of posting, rather the same was fixed as his headquarters for the period of his suspension in the light of order dated 25.06.2014. Once the order of suspension was revoked by the competent authority, the order, whereby the headquarter was fixed at Muzaffarpur, completely lost its significance. He contends that, in any view of the matter, the petitioner could not have continued to remain in the District Statistics Office, Muzaffarpur after revocation of the order of suspension.



8. In the counter affidavit filed on behalf of the Respondents-State of Bihar it has been stated that the District Statistics Officer, Muzaffarpur had illegally relieved the petitioner for joining at Masaurhi and no intimation in this regard was given to the Directorate by the District Statistics Officer, Muzaffarpur. It was only when the Directorate learnt about the act of the District Statistics Officer, Muzaffarpur of illegally relieving the petitioner for joining at Masaurhi that the impugned order dated 11.08.2017 came to be passed. It has also been stated in the counter affidavit that the Directorate has written to the Revenue and Land Reforms Department, Government of Bihar that it had no information regarding petitioner's transfer to Patedhi Belsar Anchal in Vaishali district.

9. I find substance in the submission made on behalf of the petitioner that it was by virtue of the order dated 25.06.2014 that the petitioner's headquarter, during the period of suspension, was fixed in the office of District Statistics Officer, Muzaffarpur. The moment, the order of suspension was revoked, the purpose of fixation of the petitioner's headquarter during the period of suspension completely lost its purpose. After revocation of the petitioner's suspension, the District Statistics Officer, Muzaffarpur



did not have any other option than to relieve him to join in the office where he was working at the time of his suspension.

10. Respondent no. 3 has erroneously mentioned in the impugned order dated 11.08.2017 that the petitioner could not be relieved by the District Statistics Officer, Muzaffarpur and that the said order dated 22.09.2014 was illegal, which required to be set aside.

11. In my view, the impugned order dated 11.08.2017 and subsequent letter dated 25.01.2018, which has been passed for non-compliance of the order dated 11.08.2017, require interference by this Court, as being wholly unwarranted and illegal. The said orders are accordingly set aside. This application is allowed.

(Chakradhari Sharan Singh, J)

Rajesh/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	21.11.2019
Transmission Date	NA

