

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12762 of 2019

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Sunil Kumar Singh, aged about 56 years, male, Son of Late Sadanand Singh,
R/o Village-Khopaiti, P.S.-Madhepura, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The Additional Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
4. The District Magistrate, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Adv.
For the Respondent/s : Mr. S. Raza Ahmad (AAG-5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
Date : 28-06-2019

The petitioner was suspended on 27.12.2018 by invoking the provisions of Rule 9(1)(a) and (c) of the Bihar C.C.A. Rules, 2005. During the pendency of the suspension period, the petitioner had approached this Court *vide* C.W.J.C. No. 4269 of 2019 seeking revocation of the suspension on the ground that even after the lapse of approximately three months, no departmental proceeding had been initiated against him. This Court *vide* order dated



08.03.2019 directed the concerned respondents to initiate the departmental proceeding, frame charge against the petitioner, if it was in contemplation, and conclude the same without any delay. The petitioner was also directed to cooperate in the proceedings and it was made clear that none of the parties would be permitted to take any undue advantage of their position.

2. The petitioner is now aggrieved by the order of extension of the period of suspension for four months. The aforesaid order dated 07.05.2019, contained in Memo No. 2025 issued under the signature of Additional Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna, is under challenge.

3. The reason assigned for not framing of charge is that the charge under head 'K' could not be made available to the Disciplinary Authority. Though, this is not a justified ground for the extension of the period of suspension, nonetheless, the suspension period has been extended in the light of the provisions contained in Rule 9(1) (a) and (c) of the Bihar C.C.A. Rules, 2005.



4. Though the order extending the period of suspension has been passed after a lapse of one and half months since three months of the suspension of the petitioner in the first instance the order is amenable to challenge.

5. However, this Court, considering the overall circumstances, directs the respondent authorities to frame charge against the petitioner immediately and conclude the proceedings positively within a period of four months from the date of further extension.

6. If the proceedings are not completed within the aforesaid period, the suspension of the petitioner shall stand revoked.

7. With the aforesaid observation/direcion, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	02.07.2019
Transmission Date	N/A

