

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4881 of 2016

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Upendra Kumar Son of Late Sahdeo Singh, R/o Mohalla- Teachers Colony
Chitragupta Nagar, P.S.- Patrakar Nagar, District- Patna, under suspension
B.D.O., Sangrampur, P.S.- Sangrampur, Distt.- Motihari **Petitioner**

Versus

1. The State Of Bihar through Secretary, Rural development Department, New
Secretariat, Patna
2. The Dy. Secretary, Rural Development Department, Bihar, Patna
3. The District Magistrate Motihari, East Champaran, P.S. and District- Motihari
4. The S.D.O. Areraj, East Champaran, P.S.- Areraj, District East Champaran

... .. **Respondents**

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Appearance :

For the Petitioner	:	Mr. Kumod Kr. Shrivastav, Advocate Mr. Punit Kumar, Advocate
For the Respondents	:	Mr. Jitendra kumar, AC to AAG 14

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 13-02-2019 Heard learned counsel for the petitioner as well as

learned counsel for the State.

It is submitted by petitioner's counsel that on account of certain allegations decision was taken to conduct a proceeding against the petitioner in the year 2012. Matter travelled to review before the State Government. On 9.1.2015 petitioner's dismissal was set aside by the reviewing authority from the date of dismissal, i.e., 11.4.2014 till conclusion of the proceedings, which were directed to be initiated afresh. Petitioner was continued under suspension. This was the second proceeding against the petitioner initiated on 9.1.2015. Petitioner approached this Court by filing a writ petition for setting aside order dated 9.1.2015. During pendency of the writ proceedings another office order dated 9.8.2017 has been issued.



Once again being dissatisfied with the reports submitted by the Enquiry Officer the State Government has taken a decision to initiate a proceeding *de novo* against the petitioner.

Petitioner's counsel submits that such pendency of proceedings for five years has itself assumed penal proportion as the petitioner has been continuing in suspension for such a long time.

Limited prayer made on behalf of the petitioner is that the writ petition be disposed of with a direction to the Department to conclude the proceedings within a fixed time frame so that the petitioner may not be made to suffer continuously on account of such suspension.

In view of limited prayer made by learned counsel for the petitioner, writ petition is disposed of.

Respondents would be obliged to take a final decision in the proceedings conducted against the petitioner pursuant to office order dated 9.8.2017 after affording him due opportunity within a period of eight weeks from the date of receipt/production of a copy of this order.

However, in the event such proceedings are not concluded within the aforesaid period, suspension of the petitioner shall stand revoked and he would be entitled to the



benefits of payment of consequential admissible dues on
account of vacation of suspension.

(Madhuresh Prasad, J)

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