

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15843 of 2019

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Aditya Kumar, aged about 37 years, male, Son of Sri Rambaran Prasad,
resident of New Area, Opposite Modern English School, P.S.-Nawada,
District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Prohibition, Excise and Registration Department, Government of Bihar, Patna.
2. The Excise Commissioner-Cum-I.G. Registration, Bihar, Patna.
3. The Joint Commissioner, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
4. The Additional Secretary, Excise and Registration Department, Bihar, Patna.
5. The Dy. Commissioner, Excise, Patna-Cum-Magadh Pramandal, Patna.
6. Special Superintendent, Excise, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Indu Bhushan, Adv.

For the Respondent/s : Ms. Prachi Pallavi, AC to AG

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 14-08-2019

The petitioner has challenged the continuance of
his suspension, which order was passed on 12.02.2019,
contained in Memo No. 506, under the signature of the
Special Superintendent, Excise, Bihar, Patna.



2. The contention of the petitioner is that despite a direction of this Court to conclude the proceedings against the petitioner within a specified time limit, only charges have been framed against him and that also after the petitioner chose to prefer the present writ petition.

3. From the records, it appears that invoking Article 311 of the Constitution of India, the petitioner was dismissed from service, which order could not be sustained on the scrutiny of law as there was nothing to justify exclusion of a departmental proceeding.

4. While the dismissal order was set-aside by this Court in C.W.J.C. No. 19960 of 2016 *vide* order dated 03.01.2019, the Bench had directed the State to conclude the proceedings within three months after affording due opportunity to the petitioner in accordance with law.

5. Regard being had to the aforesaid observation of the Court and the fact that the petitioner has remained under continued suspension for all this while and the departmental proceeding has just begun, the respondents are directed to conclude the proceeding preferably within a



period of four months of the date of receipt/production of a copy of this order to the Enquiry Officer/Disciplinary Authority.

6. In case, the proceedings are not concluded within four months of the receipt of the present order, it would be open for the petitioner to approach the concerned authority for revocation of his suspension during the continuance of the proceedings.

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

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
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