

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2539 of 2018

In
Civil Writ Jurisdiction Case No.11868 of 2017

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1. Uday Shankar Paswan Son of Late Tilakdhari Lal, Resident of Back Hardering Road, P.M.C. Quarter, P.S.- Sachivalay, P.O.- GPO Town, District- Patna.
 2. Prahalad Prasad Singh, Son of Late Basant Singh, Resident of Mohalla- Karbighiya, P.S.- Jakkanpur, P.O.- GPO, Town & District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Anupam Kumar Suman, the Municipal Commissioner, Patna Municipal Corporation.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Vijay Kumar Singh
For the Respondent/s	:	Mr.Prasoon Sinha
		Mr. Jawed Gaffar Khan

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 02-01-2019 This Court by an order dated 26.02.2018 had directed the disciplinary authority to pass the final orders in the on going departmental proceeding within a period of three months, failing which it was directed that the suspension of the petitioners shall stand revoked automatically.

The opposite parties have filed a show cause wherein it has been stated that the Commissioner, Patna Municipal Corporation, Patna vide letter no. 7419 & 7425 dated 29.08.2018 has revoked the suspension of the petitioners subject to decision of the department proceedings. It has been further stated in the said show cause that the petitioner no. 1 has



been made to retire with effect from 30.09.2017.

There are two aspects to the present case, firstly regarding revocation of the suspension of the petitioners with regard to which it must be stated that upon expiry of three months with effect from 26.02.2018, the suspension of the petitioners had automatically stood revoked, hence it would be deemed that the suspension of the petitioners was revoked automatically with effect from the expiry of three months from 26.02.2018. The second aspect is regarding the petitioner no. 1 having been made to retire with effect from 30.09.2017, which according to the learned counsel for the petitioner no. 1, has already been challenged before this Court.

Having regard to the facts and circumstances of the case, the present contempt petition is disposed of with an observation that the suspension of the petitioner no. 2 shall be treated to have been revoked immediately upon expiry of three months with effect from 26.02.2018.

(Mohit Kumar Shah, J)

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