

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1305 of 2020

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Ratnesh Prasad Singh, S/o Late Sachchidanand Singh, R/o Mohalla- Bengali Tola, Near Bijli Office Lahariyasarai, P.S.- Lahariyasarai, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Public Health Engineering Department, Government of Bihar.
3. The District Magistrate, Darbhanga.
4. Joint Secretary, Public Health Engineering Department, Government of Bihar.
5. Joint Secretary, Management Cell, Public Health Engineering Department, Government of Bihar.
6. Executive Engineer, Public Health Engineering Department, PH Division-Darbhangha, Government of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Tej Bahadur Singh, Sr. Adv. Mr. Ranjay Kumar Singh Adv.
For the Respondent/s	:	Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 21-01-2020 Heard learned counsel for the parties.

2. The petitioner was, at the relevant point of time, posted as Assistant Engineer (Civil) at Darbhanga under Public Health Engineering Department. For lack of his interest in discharge of his official duties, he was put to notice by a communication dated 29.11.2019 asking him to explain within 15 days as to why disciplinary action be not taken against him. It was mentioned in the said letter that if the petitioner fails to



submit his explanation within 15 days, the department will presume that he did not have anything to submit and will be independent to take an *ex parte* decision.

3. Few days thereafter, the department came out with a notification dated 04.12.2019 whereby the petitioner has been put under suspension in exercise of power under Rule 9(1)(a) of Bihar Government Servant (Classification, Control and Appeal) Rules, 2005. The said order dated 04.12.2019 has been put to challenge in the present writ application.

4. Mr. Tej Bahadur Singh, learned Senior Counsel appearing on behalf of the petitioner has submitted that the impugned order of suspension is bad for the reason that the same has been passed without awaiting for the petitioner's reply to the notice dated 29.11.2019. He has submitted that the respondents have acted in haste in passing the order of suspension.

5. Learned counsel appearing on behalf of the State, on the other hand, has submitted that a departmental proceeding is already pending against the petitioner, as can be noticed from the impugned notification.

6. I have carefully perused the impugned notification dated 04.12.2019 which has apparently not been issued because



of the facts available in the notice dated 29.11.2019. The order of suspension has taken note of the conduct of the petitioner subsequent to issuance of the said notice dated 29.11.2019.

7. Be that as it may, the impugned order cannot be said to be beyond jurisdiction. The order of suspension is not a punishment which has been passed in contemplation of initiation of a departmental proceeding in accordance with the provisions of the Rules.

8. This application is accordingly dismissed. It is, however, observed that if no departmental proceeding is initiated within the period stipulated under the Rules, by operation of the Rules, the impugned order of suspension shall stand vacated.

(Chakradhari Sharan Singh, J)

Rajesh/-

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