

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23677 of 2018

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Mukesh Kumar S/o- Dhaneshwar Singh, R/o-Gola Road, Danapur, Patna
Presently Posted as Dy. Chief Auditor CS, Bihar State Housing and Consumer
cooperation Federation, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Cooperative Department,
Government of Bihar, Patna
2. The Principal Secretary, Cooperative Department, Government of Bihar,
Patna.
3. The Registrar, Cooperative Society, Bihar, Patna.
4. The Deputy Secretary Vigilance, Cooperative Department, Government, of
Bihar, Patna.
5. The Joint Registrar Audit Cooperative Societies, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anand Kumar Ojha
For the Respondent/s : Mr.Sushil Kumar -GP22

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-06-2020 Heard both sides.

The matter has been taken up through video
conferencing.

The petitioner in this writ petition seeks quashing of
resolution, as contained in Memo No. 3463 dated 12.10.2018,
order of suspension in contemplation of departmental
proceeding, on the ground that the same is without jurisdiction
and in breach of Rule 32(1)(7) of the Rules of Executive
Business, 1979.

Mr. Anand Kumar Ojha, the learned counsel for the



petitioner, submits that during the pendency of this writ petition the departmental proceeding has already been concluded. The Enquiry Officer submitted his report. The Disciplinary Authority, after having received the enquiry report, asked the petitioner to submit second show cause. The petitioner has already submitted second show cause in the month of January, 2020 but the since then the Disciplinary Authority kept the matter pending and has not passed any order.

In this view of the fact, I thought it proper to dispose of the writ petition with a direction to the Disciplinary Authority to consider the entire grounds taken by the petitioner during the course of enquiry as well as in his second show cause and pass order in accordance with law within four weeks from the date of receipt of this order.

With the aforesaid direction, this writ petition stands disposed of.

(Prabhat Kumar Jha, J)

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