

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1133 of 2019

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Girish Kumar son of Asho Prasad Yadav resident of Bapu Nagar, Baluahi,
P.S. and District- Khagaria.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Department of Revenue, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Commissioner, Munger Division, Munger.
5. The Collector, Khagaria.
6. The Deputy Collector Land Reforms, Khagaria.
7. Sub Divisional Officer, Khagaria, District- Khagaria.
8. The Circle Officer, Circle Alauli, District- Khagaria.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Dronacharya

For the Respondent/s : Mr.Sajid Salim Khan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 29-06-2020 Heard Mr. Dronacharya, learned counsel for the

petitioner and Mr. Sajid Salim Khan, learned counsel for the

State.

The facts are not in dispute. In a domestic

proceeding, the petitioner was dismissed from service and

the appeal against the aforesaid order also was dismissed.

However, a Bench of this Court did not find

favour with either the original order of the dismissal or the



appellate order and set aside both the orders on the ground that the provisions contained in Section 17(3) and (4) of the Bihar Government Servant (Classification, Control & Appeal) Rules, 2005 were not complied with.

As a side observation, this Court also gave a liberty to the employer to proceed against the petitioner afresh, should it be deemed necessary.

The petitioner was made to join but was again suspended.

The contention raised on behalf of the petitioner is that the departmental proceeding could not be initiated within the stipulated period of three months to be counted from the date of suspension nor was there any order granting extension of time within which, charge could be framed.

I have perused the records of the case. It appears that after the order of dismissal as well as the appellate order were set aside, the petitioner was made to join the duty. Later, he was again suspended in contemplation of a departmental proceeding.



True it is that the charges were not framed within the period of three months but now the charges have already been framed. The Criminal case, which is the basis for proceeding departmentally against the petitioner has also not progressed beyond the stage of taking cognizance.

Considering these aspects of the matter, this Court deems it appropriate to direct that the departmental proceeding initiated against the petitioner be concluded positively within a period of six months from the date of receipt/production of a copy of this order.

Any delay in the matter would be viewed adversely as the petitioner has already remained under suspension for a very long time.

The writ petition stand disposed of with the aforesaid observation.

(Ashutosh Kumar, J)

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