

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
Civil Writ Jurisdiction Case No.24336 of 2018**

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Lallan Kumar son of Jagdish Prasad Sharma Resident of 126 RMS Colony,  
East Ashok Nagar, Lohia Nagar, P.S. Kankarbagh, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Finance Department, Bihar, Patna.
3. The District Magistrate, Patna.
4. The Treasury Officer, Danapur.
5. The Deputy Collector (Estb.), Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Rajendra Kumar Jain, Adv.  
For the Respondent/s : Mr.Anil Kr. Singh, GP-26

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

5      03-09-2020                      Heard learned counsel for the petitioner and Mr. Anil  
Kumar Singh, learned GP-26 representing the State.

This writ application has been filed for issuance of a writ in the nature of writ of mandamus directing the respondents to revoke/vacate the suspension of the petitioner in the light of the rules applicable under the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as 'the Rules of 2005'). The petitioner has also prayed for payment of his full salary for the suspension period with statutory interest by holding the order of suspension illegal and without jurisdiction.



From the counter affidavit filed on behalf of the respondent nos.3 to 5 it appears at this stage that the suspension of the petitioner has been revoked in terms of Rule 9(7) of the Rules of 2005 with a clear stipulation therein that the decision regarding the payment of salary of the petitioner would depend upon the outcome of the departmental proceeding.

Learned counsel for the petitioner submits that he has no instruction as to whether the departmental proceeding has been initiated or not as yet, but learned counsel for the State has informed this Court that a departmental proceeding has already been initiated against the petitioner and the same is going on.

Be that as it may, so far as the present writ application is concerned, this Court is of the considered opinion that it has become infructuous. The suspension of the petitioner has already been revoked. So far as the prayer for payment of full salary during the suspension period is concerned, the order revoking suspension of the petitioner, as contained in memo no.555 dated 19.04.2019 contained in Annexure-D to the counter affidavit filed on behalf of the respondent nos.3 to 5, rightly contains a stipulation that the same will depend upon the outcome of the departmental proceeding.

At this stage, learned counsel for the petitioner seeks



liberty to challenge the departmental proceeding. In the opinion of this Court, the petitioner is always at liberty to go by the advise. So far as present writ application is concerned, it has not been filed in respect of the departmental proceeding, therefore this Court has no occasion to go into that issue. The petitioner, if so advised, may avail his remedy in the matter of initiation of a departmental proceeding in accordance with law.

This writ application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

