

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11550 of 2018

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Neeta Kumari Pandey, Wife of Dr. Upendra Pandey, Resident of Mohalla-
Jagdishpuri Lane No.4, P.S.- Mithanpura, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Education, Government of Bihar,
Patna.
3. The Director (Administration) cum Additional Secretary, Department of
Education, Government of Bihar

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Shekhar Singh, Advocate
For the Respondent/s : Mr. Subhash Chandra Mishra- SC-16

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date : 22-06-2020

Heard learned counsel for the petitioner and
learned counsel for the State through virtual Court proceeding.

In this case, the petitioner is challenging the order
vide memo no.233 dated 25.03.2017 by which the petitioner
was put under suspension during the pendency of the
departmental proceeding.

During the pendency of this writ petition, the
Government, in view of the order dated 10.06.2020 passed by
this Court in C.W.J.C. No.11550 of 2018, has reviewed the
order of suspension and finally withdrawn the same by order
contained in memo no.191 dated 16.06.2020.



Learned counsel for the petitioner submits that the order reviewing the suspension is not in tune with Rule 9(7) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as “the C.C.A. Rules, 2005”) as after the statutory period unless the departmental proceeding is started, the suspension order stands revoked but, the Government has not acted in terms of Rule 9(7) of the C.C.A. Rules, 2005 and as such, the petitioner is entitled to the arrears of salary from the expiry of statutory period till the revocation of suspension.

As per C.C.A. Rules, 2005 even during the suspension period the delinquent employee is to mark his presence in the attendance sheet to the place he/she is posted but, this fact is not known to this Court. Hence, this Court directs the petitioner to file a detailed representation before the competent authority, who will examine the same and take decision in terms of C.C.A. Rules, 2005 especially considering the provisions of Rule 9(7) of the CCA Rules, 2005 within a period of eight weeks from the date of filing of representation by the petitioner. If any order is passed against the petitioner, he will be at liberty to challenge the same before the appropriate authority/forum.



With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R
CAV DATE	N/A.
Uploading Date	25.06.2020
Transmission Date	N/A.

