

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22576 of 2019

=====

Mahesh Kumar Choudhary S/o Late Ravindra Choudhary R/o Vill and P.O.-
Barari Behta, P.S.- Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar .
2. The Chief Secretary, Bihar, Patna.
3. The Principal Secretary, Panchayati Raj Department, Bihar, Patna.
4. The Director, Panchayati Raj Department, Bihar, Patna.
5. The Joint Secretary, Panchayati Raj Department, Government of Bihar, Patna.
6. The Joint Director (Monitoring), Panchayati Raj Department, Government of Bihar, Patna.
7. The District Magistrate, Sitamarhi.
8. The Zila Parishad, Sitamarhi through its Chairman.
9. The Chairman, Zila Parishad, Sitamarhi.
10. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Sitamarhi.
11. Sh. Ravi Shankar, S/o Not Known, Executive Engineer, Local Area Engineering Organization-2, Sitamarhi.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Namrata Mishra, Adv.
For the Respondent/s	:	Mrs.Archana Meenakshee (Gp6)
For Zila Parishd	:	Mr. Ranjeet Kumar Pandey, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-06-2020

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard Smt. Namrata Mishra, the learned
counsel appearing for the petitioner, Shri Ranjeet Kumar



Pandey, the learned counsel appearing for the Zila Parishad, Sitamarhi and Mrs. Archana Minakshi, learned G.P.-6 appearing for the State.

The petitioner has primarily prayed for quashing of the order of suspension dated 19.07.2019 passed by the Deputy Development Commissioner cum- Chief Executive Officer, Zila Parishad, Sitamarhi and for payment of the subsistence allowance for the period of suspension, which has not been paid till date to the petitioner herein.

The learned counsel for the petitioner submits that the respondents be directed to pay the subsistence allowance for the period of suspension immediately and revoke his suspension inasmuch as the respondents have not been able to complete the ongoing departmental proceedings despite lapse of considerable time.

The learned counsel for the petitioner has also prayed that the documents, being asked for by the petitioner, are not being supplied by the respondent no.10, hence the respondent no.10 be directed to supply the same immediately so that the petitioner can submit his wholesome defence.

The learned counsel for the Zila Parishad, Sitamarhi has submitted that the departmental proceeding would



be concluded within a period of six months from today positively.

Having regard to the facts and circumstances of the case, the present writ petition is being disposed of with the consent of the parties in the following terms:-

- (i) The Disciplinary authority shall initiate the proposed departmental proceeding, if not already initiated, and/or shall finally conclude the departmental proceeding (either pending or to be initiated) within a period of six months from today, failing which the order of suspension of the petitioner from his services shall stand revoked automatically.
- (ii) The outstanding amount of subsistence allowance shall be paid to the petitioner within a period of four weeks from today, if not already paid, pertaining to the period of suspension.
- (iii) The Disciplinary authority shall supply all the relevant documents to the petitioner within a period of four weeks from today.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

Tiwary/-

U			
---	--	--	--

