

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 21198 of 2019

Binod Kumar, son of late Asharphi Prasad, resident of Mohalla Chakbinda, Anisabad, Post Office G.P.O., Patna Police Station Gardanibagh, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Vishweshwaraiya Bhawan, Bailey Road, Patna.
2. The Engineer-in-Chief - cum- Special Secretary, Public Health Engineering Department, Vishweshwaraiya Bhawan, Bailey Road, Patna.
3. The Chief Engineer, Mechanical, Public Health Engineering Department, Vishweshwaraiya Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, Public Health Engineering Circle, Chapra.
5. The Executive Engineer, Public Health Division, Siwan
6. The Executive Engineer, Public Health Division, Gopalganj.
7. The Executive Engineer, Public Health Division, Patna West, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Lalan Kumar Singh, Advocate
For the Respondent/s : Mr Arvind Ujjawal, SC IV

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 11-06-2020 The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard Mr Lalan Kumar Singh, learned counsel for the petitioner as well as Mr Arvind Ujjawal, learned SC IV for



the State.

The writ petition has been filed seeking quashing of the suspension order placing reliance on the provisions contained in Rule 9 (7) of the Bihar Government Servant (Classification, Control & Appeal) Rules, 2005 as interpreted by the Full Bench judgment in the case of *State of Bihar & Others -Versus- Gyan Kumar Ram*, 2009 (4) PLJR 272. The claim has been made on the ground that the petitioner was suspended on 23.03.2019 and that in spite of three months having lapsed thereafter, proceedings were not initiated against him.

Specific stand has been taken by the State in the counter affidavit that proceedings were initiated against the petitioner by Charge Memo dated 29.04.2019. The petitioner, in fact, was even issued a communication on 29.06.2019 for appearing before the Enquiry Officer on 05.07.2019. The Charge Memo and Communication are Annexures C and D to the counter affidavit.

Learned counsel representing the petitioner submits that in spite of specific averments having been made in the counter affidavit that the amounts admissible to the petitioner under the head arrears of salary and subsistence allowance have been paid, dues admissible to the petitioner are still pending.



He submits that in respect of pending dues, the petitioner be given liberty to approach the Authorities.

With liberty, as prayed for, this writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

U			
---	--	--	--

