

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23680 of 2019

Pradeep Kumar Goit @ Pradeep Kumar Goait S/o Late Devlal Goit Resident
of Village- Parsahi, P.S.- Khutauna, District- Madhubani.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Vikash Bhawan, New Secretariat, Patna, P.S.- Patna Secretariat, District- Patna.
2. Zila Parishad Madhubani, through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad Madhubani at Madhubani, P.S.- Madhubani, District- Madhubani.
3. Ajai Kumar Singh Son of not known at present posted on the post of Deputy Development Commissioner cum Chief Executive Officer of Zila Parishad Madhubani at Madhubani, P.S.- Madhubani, District- Madhubani.
4. District Engineer, Madhubani at Madhubani, P.S.- Madhubani, District- Madhubani.
5. Arun Kumar Lal S/o Late Mishri Lal Retired Assistant of Zila Parishad Madhubani at present working as Niojit Clerk in Zila Parishad Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner : Mr. Shashi Bhushan Kumar Mangalam, Advocate.
Mr. Vijay Kumar, Advocate.
For the Respondents : Mr. Kameshwar Prasad Gupta, GP-10

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 07-07-2020

Heard learned counsel for the petitioner and
learned counsel for the State through video conferencing.

The petitioner has approached this Court for the
following reliefs:-

(i) For the direction to respondents for
vacate/revoke suspension of this petitioner vide memo no.386
dated 20.10.2018 issued with the signature of Deputy
Development cum Chief Executive Officer Zila Parishad,



Madhubani (Respondent No.2).

(ii) For issuance of writ in the nature of certiorari for quashing the departmental proceeding against this petitioner issued by the respondent no.2 vide memo no.451/Z.P. dated 30.11.2018 without providing evidence.

(iii) For the direction to respondents to give full salary for the period of suspension i.e. 20.10.2018 to till date revoke the suspnesion of this petitioner.

(iv) For any other relief/reliefs the petitioner is entitled.

Learned counsel for the petitioner submits that a departmental proceeding is going on against the petitioner for defalcation of certain government money as Head Clerk of Zila Parishad, Madhubani. He further submits that during course of the departmental proceeding, the petitioner demanded certain documents from the concerned officer which were not made available to him. He also submits that as per the provision of Rule 96 of the Bihar Service Code as well as Rule-10 of the Bihar CCA Rules, 2005, the petitioner is entitled to get subsistence allowance.

On the other hand, learned counsel for the respondent no.2 submits that the department proceeding is going



on and is likely to be concluded in near future.

Without going into the merits of the case, with consent of both the parties, this writ petition is being disposed of with a direction to respondent no.2-Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Madhubani to conclude the department proceeding as expeditiously as possible preferable within a period of nine months from the date of receipt/production of a copy of this order before him, failing which the suspension of the petitioner would automatically revoke. He is also directed to furnish the documents as demanded by the petitioner and to pay suspension allowance as per the provision of Rule 96 of the Bihar Service Code as well as Rule 10 of the Bihar CCA Rules, 2005. It is made clear that respondent no.2 shall be solely responsible for non-compliance of this order.

With this observation and direction, this writ petition stands disposed of.

(Anjani Kumar Sharan, J.)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2020
Transmission Date	NA

