

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11110 of 2018

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Ramesh Pandey son of Suresh Prasad Pandey Resident of Village and P.O. Bishunpur Bakhari, P.S. Sakra, District Muzaffarpur, the Assistant Agriculture Officer Banaspati in District Agriculture Office, Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Agriculture Production Commissioner, Bihar, Patna.
3. The Principal Secretary, Agriculture Department, Government of Bihar, Patna.
4. The Director, Agriculture Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.B.K. Manglam, Advocate
For the Respondent/s : Mr. A.K. Pathak, AC to GP-21

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 10-06-2020 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner has primarily raised the issue of quashing of suspension order contained in Memo No. 113 dated 16.02.2018.

Counsel for the petitioner submits that during pendency of this writ application, the order of suspension has been withdrawn vide order no. 450 dated 16.07.2019, which is not on record. In fact, as on today, no suspension order is standing. Further, he has submitted that as per Rule 9 (7) of the CCA Rules, 2005, the charge sheet must be served within three months from the date of issuance of suspension order, failing which after expiry of three months, the suspension order shall



be automatically revoked and, as such, he is entitled to the salary for that period.

Counsel for the State has drawn the attention of this Court with respect to lodging of the criminal case in which the petitioner has moved before this Court as well as before the Supreme Court for grant of anticipatory bail unsuccessfully in connection with Vigilance P.S. Case No. 58 of 2015 arising out of Special Case No. 24 of 2015 registered for the offence under Sections 406, 409, 420, 467, 468, 471, 120B of the Indian Penal Code and Section 13 (2) of Prevention of Corruption Act, 1988.

Per contra, counsel for the petitioner submits that he has been granted bail and he is working there.

This Court directs the petitioner to file a detailed application with respect to his grievance, in turn, the competent authority will deal with the matter. While dealing with the matter of the petitioner, the competent authority will examine each and every aspect and take decision in accordance with law.

With this observations and directions, this writ application stands disposed of.

(Shivaji Pandey, J)

V.K.Pandey/-

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