

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10112 of 2021

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Suresh Prasad Singh, Son of Shri Vakhori Singh, Resident of Shanti Ranjan Market, West Patel Nagar, Patna, L.B.S. Nagar, Bihar- 800023.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. Additional Chief Secretary, Road Construction Department, Bihar, Patna.
3. Special Secretary, Road Construction Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Advocate
For the Respondent/s : Mr. Subodh Kumar, AC to SC-26

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 21-12-2021

Learned counsel for the petitioner is hereby directed to furnish a copy of the writ petition to the learned counsel for the State.

2. With the consent of the respective counsels, the matter is taken up for final disposal.

3. In the instant petition, the petitioner has prayed for the following reliefs:

“(i) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities to take steps towards revoking the suspension of the petitioner and to allow him to submit his joining in the capacity of Executive Engineer under the Road Construction Department of the State Government and accordingly, pass necessary orders for posting him in the said capacity in accordance with law.



(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities to extend all the consequential benefits that the petitioner may be found to be entitled to, upon revocation of his suspension of the petitioner and joining in the services of the Road Construction Department of the State Government against the post of Executive Engineer;

(iii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities to take steps towards making payment of current subsistence allowance alongwith arrears of the same with effect from the due date, i.e. upon completion of one year of suspension after revising the same in terms of the provisions contained under rule 10 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005;

(iv) Any other relief that the petitioner may be found to be entitled to in the facts and circumstances of the present case.”

4. The petitioner was placed under suspension vide notification dated 14.06.2019 w.e.f. 08.06.2019 followed by charge memo on 11.06.2020. The disciplinary proceedings have not attained finality as on today so also concerned respondent/suspending authority has not undertaken review of suspension as to whether the suspension is required to be continued or not?

5. The Apex Court in the case of **Ajay Kumar Choudhary vs. Union of India through its Secretary & Ors,**



reported in **(2015) 7 SCC 291** in which it is held that review of suspension is required to be undertaken by the suspending authority, if there is prolonged suspension and delay in completion of disciplinary proceedings including framing of charge.

6. In the present case, from the date of suspension to that of framing of charge, the concerned authority has taken for about eleven months.

7. In the light of these facts and circumstances, the suspending authority is hereby directed to undertake review of suspension order within a period of one month from the date of receipt of copy of this order. So also the disciplinary authority is hereby directed to complete the enquiry proceeding within a period of six months.

8. The writ petition stands disposed of.

(P. B. Bajanthri, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.01.2022
Transmission Date	

