

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8228 of 2020

=====

Satyendra Ray Son of Kedar Ray Resident of Village- House No. S-11,
Apurva Awas Colony, Near Jagdev Path, Ara Garden, Patna, P.O.- Veterinary
College, P.S.- Rukunpura, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat.
3. The Secretary, Rural Works Department, Vishveshwarya Bhawan, Bailey Road, Patna.
4. The Additional Secretary, Rural Works Department, Vishveshwarya Bhawan, Bailey Road, Patna.
5. The Chief Engineer-I, Rural Works Department, Vishveshwarya Bhawan, Bailey Road, Patna.
6. The District Magistrate, Nawada.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Senior Advocate Mr. Pranav Kumar
For the Respondent/s	:	Mr. Ajay, GA-5

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

7 08-04-2021 This application has been heard *online* because of COVID-19 pandemic restrictions.

2. Heard Mr. Y.V. Giri, learned Senior Counsel appearing on behalf of the petitioner and Mr. Ajay, learned Government Advocate No.5, appearing on behalf of the State of Bihar.



3. A departmental proceeding has been initiated against the petitioner and in exercise of power under Rules 9(1) (A) of the Civil Services (Classification, Control and Appeal) Rules, 2005, he has been placed under suspension, during the pendency of the said departmental proceeding. The petitioner has challenged, *inter alia*, the order dated 23.12.2019, whereby, he has been put under suspension as also the very initiation of the departmental proceeding. It is the petitioner's case that despite the fact that inquiring authority has submitted his report holding that no charge framed against the petitioner could be proved, the disciplinary authority is sitting tight over the matter and the order of suspension has yet not been revoked.

4. When the matter was taken up by this Court on 25.03.2021, noticing the fact that the disciplinary authority had not passed any order on the report of the Inquiring authority favourable to the petitioner, exonerating him of the charges, the matter was adjourned to 05.04.2021, with a clear indication that in case the disciplinary authority failed to pass appropriate orders, the Court shall be constrained to pass befitting orders.

5. It transpires that the petitioner was subsequently put to another notice through letter dated 24.03.2021, issued by the Rural Works Department, Government of Bihar, Patna,



recording therein the tentative notes of disagreement with the report of the Inquiring authority. According to the said letter dated 24.03.2021, the materials available on record established the charges framed against the petitioner, which were not duly considered by the Inquiring authority. The petitioner has responded to the said show cause notice through his reply dated 26.03.2021.

6, Mr. Y.V. Giri, learned senior Counsel appearing on behalf of the petitioner has submitted that for seven long months after submission of the enquiry report, the competent authority had failed to pass any order thereon, in accordance with the provisions under the Rules. He complains that only after the case was taken up by this Court and a serious view of the matter was taken, the Department hurriedly issued notes of disagreement, differing with the report of the Inquiring authority. He has submitted that the petitioner was given only three days time to respond to the said notes of disagreement issued by the Department, which cannot be said to be adequate and such action is violative of principles of the natural justice. He has further submitted that since the departmental enquiry has concluded and the report of the Inquiring authority is favourable to him, no purpose would be served by allowing the petitioner to



remain further under suspension. He has also submitted that the letter, which has been issued to the petitioner, recording tentative notes of disagreement from the report of the Inquiring authority is unauthorized inasmuch as the same has not been issued by the disciplinary authority.

7. Be that as it may, since the petitioner has already responded to the tentative notes of disagreement recorded in the letter dated 24.03.2021, this writ application is disposed of with a direction that let a final decision be taken by the competent authority within one month from today.

8. Considering the facts and circumstances as noted above, it is directed that if no decision is taken within one month from today, the order of suspension shall become inoperative.

9. It goes without saying that I have not gone into the merits of the grounds taken on behalf of the petitioner in relation to competent of the authority, which has issued the tentative notes of disagreement.

10. The petitioner shall have the liberty to raise such ground and any other ground as may be available to him before appropriate forum, in accordance with law, in future, if the situation so warrants.



11. This disposes of the application.

(Chakradhari Sharan Singh, J)

arun/-

U			
---	--	--	--

