

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8569 of 2020

Sunil Kumar Suman Son of Sri Ramdev Paswan, Resident of - 302 A, Surya Mahalaxmi, Sur Sudha Lane, East Boring Canal Road, Phulwari, Patna, P.S. - Buddha Colony, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna.
3. The Chief Engineer, Road Construction Department, Government of Bihar, Patna.
4. The Chief Secretary, Road Construction Department, Government of Bihar, Patna.
5. The Deputy Secretary (Vigilance), Road Construction Department, Government of Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Ranjeet Kumar, Advocate
For the Respondents	:	Mr. Amit Prakash, GA-13
		Mr. Ravi Bhardwaj, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 09-04-2021

Heard learned counsel for the petitioner and learned counsel for the respondents through video conference. Learned counsel for the petitioner has filed an undertaking that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof.

I.A. No. 01 of 2020



This interlocutory application has been filed for amendment of prayer in the writ petition by deleting prayer no. (ii) which has wrongly been incorporated.

2. Having regard to the averments made in the interlocutory application, the same is allowed and prayer no. (ii) is permitted to be deleted from paragraph-1 of the main writ petition.

C.W.J.C. No. 8569 of 2020

The main writ petition has been filed for the following reliefs as formulated by the petitioner -

“(i) For setting aside the order contained in Memo No. 9691 dated 20.12.2018 issued by the Deputy Secretary, Road Construction Department, Bihar, Patna, whereby the petitioner was suspended in contemplation of the departmental proceeding.

(ii) --- deleted.

(iii) For any other relief for which the petitioner may be deemed entitled to.”

2. The petitioner is aggrieved by the order of suspension passed more than two years ago whereas the departmental proceeding has yet not been concluded.

3. It is the common stand of the parties that the petitioner has already replied to the second show cause notice and the departmental proceeding is at its final stage.



4. In the above view of the matter and with consent of the parties, the writ petition is disposed of with the direction that the departmental proceeding shall be disposed of without delay and in any event within two months from the date of receipt/production of a copy of this judgment.

5. It is made clear that the order of suspension shall stand automatically revoked if the departmental proceeding is not concluded within the aforesaid stipulated period of two months, unless the delay is attributable to the petitioner.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	12. 04.2021.
Transmission Date	N.A.

