

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.986 of 2022

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Anil Kumar Son of Ramchandra Ram Resident of Village-Mangalpur, Post
Office-Bihari Bankatwa, Police Station-Sikta, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Sinchai Bhawan, Old Secretariat, Patna.
2. The Secretary, Water Resources Department, Sinchai Bhawan, Old Secretariat, Patna.
3. The Additional Secretary to Government, Water Resource Department, Sinchai Bhawan, Old Secretariat, Patna.
4. The Deputy Secretary to the Government, Water Resources Department, Sinchai Bhawan, Old Secretariat, Patna.
5. The Chief Engineer, Irrigation Creation, Water Resources Department, Saharsa.
6. The Superintending Engineer, Irrigation Creation, Circle, Purnea.
7. The Executive Engineer, Water Resources Department, Irrigation Division, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar (SC 11)

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

Date : 11-02-2022

This matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 Pandemic.

Learned State counsel accepts for respondents.

In the instant petition, petitioner has prayed for the following relief(s):-

“For quashing the order contained in memo No. 1597, dated 25.07.2018, issued under the signature of Additional Secretary to the Government, by which, pursuant to the decision taken by the



government, the petitioner has been placed under suspension in exercise of power Under Rule-9 (1) of the Bihar Civil (Classification, Control and Appeal) Rules, 2005, with immediate effect. It is stated that the petitioner has been placed under suspension relating to certain charges, for the period when the petitioner being as Sub Divisional Assistant Engineer, was posted as Sub Divisional Officer, Irrigation Division, Katihar.”

The petitioner while working as Assistant Engineer with Sub-Divisional Officer, Irrigation Division, Katihar, he was placed under suspension on 25.07.2018 on certain allegations. At the same time, disciplinary proceedings have been lodged against the petitioner for framing of charge. Order of suspension has not been revoked despite it is more than three and half years so also disciplinary proceedings have not attained finality. The object of placing employee under suspension is that he is likely to tamper the records/evidence in the present case. Disciplinary proceedings have already been initiated wayback on 25.09.2018 and inquiry has not attained finality.

Therefore, the disciplinary authority is hereby directed to undertake to review of suspension and examine whether continuation of suspension is warranted or not? If it is not warranted the suspension order shall be revoked subject to outcome of disciplinary proceedings. The disciplinary authority is hereby directed



to conclude the disciplinary proceedings within a reasonable time of six months from today. The disciplinary authority is also hereby directed to take note of Hon'ble Apex Court decision in the case of **Ajay Kumar Chaudhary vs. Union of India** reported in (2015) 7 SCC 291. That apart, the Hon'ble Apex Court time and again held that prolong suspension is deprecated. The above exercise be completed within a period of two months from the date of receipt of this order.

With the aforesaid observations, the present writ petition stands disposed off.

At this stage, learned counsel for the petitioner submitted that petitioner has not been extended enhanced subsistence allowance as and when it was due. In this regard, the disciplinary authority is hereby directed to examine that if the petitioner is otherwise eligible for difference of enhanced subsistence allowance, the same shall be calculated and disbursed within the aforesaid period.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

