

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7017 of 2021

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Jiyalal Paswan S/o Kauleshwar Paswan R/o village-Murtiya, PS-Adapur,
District-East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna
2. The Additional Chief Secretary, Government of Bihar, Patna
3. The Secretary Home, Government of Bihar, Patna
4. The Collector of East Champaran at Motihari
5. The Superintendent of Police East Champaran, Motihari
6. The Sub-Divisional Officer Motihari Sadar, East Champaran
7. The Officer-in-Charge, District General Administration Section, East Champaran at Motihari
8. The Circle Officer, Anchal-Adapur, District-East Champaran
9. The Officer-in-Charge Police Station Adapur, District-East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ramakant Yadav
For the Respondent/s : Mr.Lalit Kishore (Ag)

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

Date : 09-02-2022

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

2. State counsel accepts notice for respondents.

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

“(i) For issuance of an order/orders,
direction/directions, writ/writs especially in the nature of
certiorari for revoke the suspension order dated 12.10.2018
passed by the Collector of East Champaran vide Letter No.
1598 dated 12.10.2018 whereby and where under the



petitioner was suspended from his service of Chaukidar posted under the Police Station, Adapur, District – East Champaran.

(ii) For direction to the concerned authority/authorities for revoke the suspension order of petitioner and to reinstate him immediately.

(iii) For any other relief/reliefs for which the petitioner may be found entitled in the facts and circumstances of this case.”

4. Petitioner has been placed under suspension on 12.10.2018 and followed by initiation of enquiry like issuance of charge memo on 06.08.2019, disciplinary proceedings has not attained finality even to this day and petitioner is being continued under suspension. Apex Court time and again held that prolonged suspensions is deprecated, therefore, the concerned respondent is hereby directed to examine as to whether petitioner is required to be continued under suspension even to this day or not? If it is not warranted, order of suspension shall be revoked subject to outcome of the disciplinary proceedings which is pending consideration. The suspending authority is hereby directed to take note of Apex Court decision in the case of ***Ajay Kumar Choudhary Vs. Union of India through its Secretary and another*** reported in **(2015) 7 SCC 291**.

5. Further, the disciplinary authority is hereby directed to conclude the disciplinary proceedings stated to have been initiated on 06.08.2019 within a period of six months from the date



of receipt of this order. If the subsistence allowance has not been paid, the same shall be examined and paid within a period of three months from the date of receipt of this order. The entire exercise shall be undertaken in respect of revocation of suspension within a period of one month.

- 6. Accordingly, writ petition stands disposed off.
- 7. Copy of the order shall be give to the State counsel.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

