

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7376 of 2021

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Rana Umesh Prasad Singh son of Sri Rana Jagarnath Prasad Singh resident of Village-Rasipur Patasia, P.S.-Mohiuddin Nagar, Dist-Samastipur in the state of Bihar, presently residing at B-137, Kankarbagh Housing Colony, Near Panch Shiv Mandir and Sai Mandir, P.O.-West Lohia Nagar, PS-Kankarbagh, Dist-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through The Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, New Secretariate, Patna.
3. The Principal Secretary, Road Construction Department, Government of Bihar, Bishweshwaraiya Bhawan, Bailey Road, Patna.
4. The Engineer-in-Chief, Road Construction Department, Government of Bihar, Bishweshwaraiya Bhawan, Bailey Road, Patna.
5. The Chief Engineer, Road Construction Department, North Bihar Wing, Darbhanga.
6. The Chief Engineer, Road Construction Department, Ganga Bridge Project Wing, Patna.
7. The Superintending Engineer, Road Construction Department, North Bihar Circle, Muzaffarpur.
8. The Deputy Secretary, Road Construction Department, Government of Bihar, Bishweshwaraiya Bhawan, Bailey Road, Patna.
9. The Executive Engineer, Road Construction Department, Ram Nagar, West Champaran.
10. The Executive Engineer, Road Construction Department, West Champaran.
11. The Executive Engineer, Road Construction Department, Sitamarhi.
12. The Executive Engineer, Road Construction Department, Motihari (East Champaran).
13. The Superintending Engineer, Road Construction Department, Motihari Circle, Muzaffarpur Incharge (East Champaran).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Pratap Singh
For the Respondent/s : Mr.Lalit Kishore (Ag)

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

Date : 27-07-2022

Learned counsel for the petitioner submitted that his



file is missing during course of the day in the Court. Therefore, he intends to re-construct the file and is seeking time till Monday.

Perusal of the records, it is evident that there is no urgency for the simple reason that the petitioner's grievance is relating to entitlement of salary for the period in the year 2003. We are in the year 2022. Therefore, I find that there is no urgency in the matter.

At this stage, learned counsel for the petitioner intends to address argument with reference to the Court file.

Matter will be taken up after ten minutes.

Learned counsel for the petitioner could not assist this Court while giving dates and events.

One of the question for consideration in the present petition is regularization of suspension period. When this Court posed the question as to what is the out come of the enquiry it is stated that services were terminated and it was subject-matter of another litigation. In other words, termination as on today holds good. Petitioner's counsel is not in a position to apprise this Court against the order of the learned single Judge whether petitioner had preferred appeal in so far as termination issue is concerned.



In the light of these facts and circumstances, the petitioner should have sought for direction to the official respondents to regulate the suspension period in accordance with law. Such prayer has not been arrayed in the present petition. While exercising Article 226 of the Constitution, the concerned authority/disciplinary authority is hereby directed to pass an order regularizing the suspension period as duty or suspension and it should be in accordance with law. Such decision shall be taken and communicated to the petitioner within a period of three months from the date of receipt of this order. If the official respondents have not already regularized the suspension period by passing any order, in the event of passing any order regularizing the suspension period in that event copy of the order relating to regularization of suspension shall be communicated to the petitioner at the earliest.

Accordingly, the present petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	02.08.2022
Transmission Date	

