

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7652 of 2021

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Sandeep Kumar Thakur Son of Late Dhananjay Thakur resident of flat No. 102B, R.K.Villa, Mahesh Nagar, Police Station- Rajeev Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Co-operative Department, Government of Bihar, New Secretariat, Bailey Road, Patna.
3. The Registrar, Co-operative Department, Government of Bihar, New Secretariat, Bailey Road, Patna.
4. The Principal Secretary, General Administration Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Respondent/s : Mr. Manoj Kr. Ambastha (SC 26)

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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.

Learned counsel for the petitioner is hereby directed to furnish a copy of the petition to learned counsel for the respondents if it has not already furnished.

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

“(i) To issue a Writ in the nature of Certiorari for quashing the order as contained in Memo no.4013 dated 15.11.2016 by which the petitioner has been put to Sus-



pension as same is protracted for more than 4 years and 3 months rendering the suspension order in perpetuity and for indefinite period, whereas, the departmental proceeding is still at nascent stage which is not likely to conclude in near future.

(ii) To issue a Writ in the nature of Mandamus commanding the respondents to pay the revised subsistence allowance to the tune of 75% till the currency of order of suspension.

(iii) To any other relief or reliefs to which the petitioner is entitled in the facts and circumstances of the case.”

The petitioner while working as District Co-operative Officer he was placed under suspension on 15.11.2016 which is the subject matter of the present petition.

Therefore, the disciplinary authority is hereby directed to undertake to examine as to whether petitioner is entitled for revocation of his suspension or not? The Hon'ble Apex Court time and again held that prolong suspension is deprecated. Therefore, the disciplinary authority is hereby directed to undertake to review of suspension in revoking the order of suspension subject to outcome of disciplinary proceedings. The above exercise shall be undertaken in the light of Hon'ble Apex Court decision in the case of **Ajay Kumar Chaudhary vs. Union of India** reported in (2015) 7



SCC 291 and proceed to pass necessary order and communicate the decision to the petitioner whether the petitioner is entitled to revocation of suspension or continuation of suspension is warranted. The above exercise shall 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.

(P. B. Bajanthri, J)

Vikash/-

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

