

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9152 of 2020

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Rajan Kumar Srivastava, Son of Late Hosila Prasad, Resident of Village-
Parsouni, P.O.- Bhagipatti, P.S.- Kateya,, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna.
2. The Divisional Commissioner, Saran Division, Saran at Chapra.
3. The District Magistrate, Gopalganj.
4. The Sub Divisional Officer, Gopalganj.
5. The Land Development Dy. Collector, Gopalganj.
6. The Circle Officer, Kuchaikot Circle, Kuchaikot, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Rana Pratap Singh, Advocate Mr.Dhramveer, Advocate
For the Respondent/s	:	Mr.Arun Kumar Bhagat, A.C. to AAG-12

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 22-06-2022 This Court taking note of the continued long suspension of the petitioner had passed an order on 03.01.2022 directing the respondents to place on record what steps they have taken to revoke the petitioner's suspension for such a long period in view of the decision of the Apex Court in the case of *Ajay Kumar Choudharty vs. Union of India*, reported in (2015) 7 SCC 291.

This application has been filed for quashing of the order dated 25.05.2018, whereby the petitioner has been placed under suspension on the ground of his arrest in connection with



Kateya P.S. Case No.121 of 2018. The petitioner was arrested in an inebriated condition. The petitioner has stated in the writ petition that on 21.08.2018, after his release from custody, he had gone to the Circle Office, Kuchaikot for giving joining, but his joining was not accepted. Other than the statement to this effect, there is no document placed on record to show that he had made an application on 21.08.2018 or thereafter for more than two years i.e., before filing of the instant writ petition.

The State has filed a counter affidavit. Specific stand of the State is that upon his release from custody, the petitioner has never gone to join the office of the Circle Office or the District Establishment Section, Gopalganj. Had he gone to the Offices, appropriate orders could have been passed in respect of his suspension.

The Specific stand of the State is that the authorities were never given any intimation regarding the petitioner's release. However, the charge memo has been framed against the petitioner for initiating departmental proceedings under Memo No.1025 dated 15.11.2018 (Annexure B/2 to the counter affidavit).

In view of the charge memo, now having been communicated to the petitioner, it will be open to the petitioner



to participate in the proceedings after submitting his joining, in accordance with law. The petitioner would be at liberty to raise issue regarding his subsistence allowance or other admissible emoluments for enabling him to participate in the proceedings. If such issue is raised, needless to say, the State authorities would be obliged to consider the same, in accordance with law.

The application is disposed of.

(Madhuresh Prasad, J)

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