

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1937 of 2021

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Rahul Uraon @ Rahul Uraw S/o Sita Ram Uraw resident of Village -
pakwaliya, P.S. Simra, District West Champaran, A/p Posted as Najir
(Assistant) Block- Ekma, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt of Bihar, Secretariat, Patna.
2. The Principal Secretary, Finance Department, Govt. of Bihar, Secretariat, Patna.
3. The Principal Secretary, Department of Revenue, Govt. of Bihar, Secretariat, Patna.
4. The Principal Secretary, Department of Home, Govt. of Bihar, Secretariat, Patna.
5. The District Magistrate, Saran at Chapra.
6. The Sub Divisional Officer, Sadar, Chapra.
7. The Deputy Collector, Land Reform, Sadar, Chapra.
8. The Circle Officer, Ikma, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dr. Alok Kumar Sinha
For the Respondent/s	:	Mr. Sarvesh Kumar, GP-24

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

Date : 13-01-2022

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

2. In the instant petition, petitioner has prayed for
following reliefs:

“1. That this is an application
for issuance of an appropriate writ/writs,
order/orders, direction/directions in the
nature of certiorari for quashing the office



order 182/2017 through which the respondent no. 5 suspended the petitioner w.e.f. 07.04.2017 (Annexure-5). Further for Revocation of suspension order and stay of memo of charges and consequential departmental proceeding date 24.06.2017 till disposal of Criminal Trial of Vigilance Case No. 141 of 2016.”

3. Petitioner was placed under suspension on 07.04.2017 on the allegation that he is involved in alleged demand and acceptance of illegal gratification vide Vigilance Case No. 141 of 2016 for the offences under Section 7/13 read with 13(1)(d) of the Prevention of Corruption Act, 1988.

4. As on the date of presentation of the present petition, learned counsel for the petitioner submitted that disciplinary proceedings have not attained finality. In the light of dates and events and the fact that the disciplinary proceedings have not attained finality, the petitioner is entitled for seeking review of suspension in the light of decision of Apex Court rendered in the case of *Ajay Kumar Chaudhary V. Union of India* reported in *(2015) 7 SCC 291*.

5. The suspending authority is hereby directed to review the order of suspension in the light of aforesaid decision.

6. In so far as interference with the charge-memo on the score that petitioner is facing criminal proceedings till disposal of criminal proceedings, disciplinary proceedings is to



be stayed cannot be appreciated in the light of latest Apex Court's decision dated 03.01.2022 passed in Civil Appeal No. 7403 of 2021 in the case of *Maharashtra State Road Transport Corporation Vs. Dilip Uttam Jayabhay* reported in *2022 SCC Online SC 1*, wherein it is held that disciplinary proceedings and criminal proceedings are entirely different. Disciplinary proceedings is for the alleged misconduct and criminal proceedings is relating to offences under Indian Penal Code read with Prevention of Corruption Act, 1988.

7. In the light of these facts and circumstances, petitioner has not made out a case so as to interfere with the charge-memo to stay the disciplinary proceedings till attainment of finality of criminal proceedings.

8. Accordingly, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

