

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19055 of 2021

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Vijay Kumar Pal Son of Kamta Prasad Resident of Village-Daruara, Post Office-Daruara, Police Station-Noorsarai, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Sinchai Bhawan, Old Secretariat, Patna.
2. The Secretary, Water Resources Department, Sinchai Bhawan, Old Secretariat, Patna.
3. The Joint Secretary, Water Resource Department, Sinchail Bhawan, Old Secretariat, Patna.
4. The Deputy Secretary to the Government, Water Resource Department, Sinchai Bhawan, Old Secretariat, Patna.
5. The Chief Engineer, Irrigation Creation, Water Resource Department, Saharsa.
6. The Superintending Engineer, Irrigation Creation Circle, Purnea.
7. The Executive Engineer, Water Resource Department, Irrigation Division, Narpatganj, Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Advocate
For the Respondent/s : Mr. Anjani Kumar (AAG 4)

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

Date : 07-02-2022

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

Learned State counsel accepts notice for respondents.

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

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



“To quash the order contained in memo No. 1601, dated 25.07.2018, issued under the signature of Additional Secretary to the Government, by which, pursuant to the decision taken by the government, the petitioner has been placed under suspension in exercise of power Under Rule-9 (1) of the Bihar Civil (Classification, Control and Appeal) Rules, 2005, with immediate effect. It is stated that the petitioner has been placed under suspension relating to certain charges, for the period when the petitioner being Assistant Engineer, was posted as Sub Divisional Officer, Irrigation Sub Division, Narapatganj, under the Irrigation Division, Narpatganj.”

The petitioner has been placed under suspension on 25.07.2018 and criminal proceeding is pending consideration. In the departmental proceeding charge memo was issued which is still pending consideration.

The concerned authority is hereby directed to examine the dates and events read with the decision of Hon'ble Apex Court in the case of **Ajay Kumar Chaudhary vs. Union of India** reported in (2015) 7 SCC 291 while recommending to renew the suspension order dated 25.07.2018 to the extent whether the continuation of suspension is warranted or not? If it is not warranted necessary order shall be passed for revocation. The object of placing an employee under suspension is not to tamper the records or witness. In the present case, charge memo has been issued in disciplinary pro-



ceedings and continuation of suspension may not be warranted. In fact, Hon'ble Apex Court held that prolong suspension is not warranted.

In the light of these facts and circumstances, the concerned respondent is hereby directed to undertake review of suspension within a period of two months from the date of receipt of this order. He is also hereby directed to examine to what extent the petitioner is entitled to subsistence allowance. If he is entitled to enhance subsistence allowance the same shall be examined and extended for the aforesaid period.

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

