

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.131 of 2019

In
Civil Writ Jurisdiction Case No.13688 of 2018

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Devendra Choudhary Shri Asharfi Choudhary R/o Vill and P.O. Chhitrauli,
P.S. Maniari, Dist.-Muzaffarpur A/p Inspector of Police, Special Branch,
Bihar, Patna.

... .. Appellant/s

Versus

1. The State of Bihar and Ors through the Home Secretary, Govt. of Bihar,
Patna
2. The Director General of Police, Bihar, Patna
3. The Additional Director General, Special Branch, Patna
4. The Inspector General, Special Branch, Patna
5. The Deputy Inspector General, Special Branch, Patna
6. The Superintendent of Police (A), Special Branch, Patna
7. The Superintendent of Police, District Nawada

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Amit Pandey
For the Respondent/s : Mr. Suman Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

3 28-02-2023 **Re: Interlocutory Application No. 01/2019.**

This Interlocutory Application has been filed for
condoning the delay of one day in preferring the present
memo of appeal.

For the reasons stated in the application, the delay
of a day for preferring the appeal is condoned.

The Interlocutory Application No. 01/2019 stands



allowed.

L.P.A. No. 131/2019

1. The appellant was suspended and a departmental proceeding was initiated against him for a custodial death. A criminal case was also lodged against the appellant vide Nawada P.S. Case No. 29/2012 for the offences under Sections 343, 323, 302, 201 and 34 of the Indian Penal Code.

2. It appears that at the request of the appellant, the departmental proceeding initiated against him was stayed till the disposal of the criminal case.

3. The appellant, thereafter, approached the learned Single Judge for revoking his suspension on the ground that Rule 9(6)(b) of the CCA Rules, 2005 which prescribes that there should be a definite order with regard to the period/term of suspension, was breached. The suspension order of the appellant was left open ended, but the learned Single Judge did not accede to such request of the appellant.

4. From the perusal of the impugned order, we find that the departmental proceeding was stayed on the asking of the appellant and, thereafter, it would be presumed that



the order of suspension is till the conclusion of criminal proceeding.

5. In any view of the matter, no departure is required to be made in the order 17.12.2018 passed by the learned Single Judge in C.W.J.C. No. 13688 of 2018, which has been put under challenge.

6. However, the appellant shall be at liberty to approach the respondent no. 4/The Inspector General, Special Branch, Patna for compliance of Rule 10 of the Bihar CCA Rules, 2005 and the respondent no. 4 would be obligated to consider the representation so made by the appellant and dispose it of within a reasonable time of three months from the date of filing of such representation by the appellant.

7. The appeal stands disposed of accordingly.

(Ashutosh Kumar, J)

(Harish Kumar, J)

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