

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2382 of 2022

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Suraj Kumar Sinha Son of Late Badri Prasad Resident of Village - Pathak Chak, P.O. - Gangapur, P.S. - Hulsasganj, District- Jehanabad.

... .. Petitioner

Versus

1. The State of Bihar Through the Additional Chief Secretary, General Administration Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, General Administration Department, Government of Bihar, Patna.
3. Joint Secretary, General Administration Department, Government of Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Raj Nandan Prasad, Advocate
		Mr. Vishesh Kumar Singh, Advocate
For the State	:	Mr. Saroj Kumar Sharma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-05-2023 The grievance of the petitioner is that in a Departmental Proceeding No. 12/2020, only after about three years, a Presenting Officer has been appointed by the Department. It is stated that the petitioner has been kept under suspension vide Memo No. 6200 dated 08.05.2019 and Memo No. 11142 dated 13.08.2019 issued by the Deputy Secretary, General Administration Department, Government of Bihar, Patna in exercise of power under Rule 9(i)(a) (c) and Rule 9(ii) of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005.

2. Learned counsel submits that the petitioner is under suspension for last four years and hence, the respondent authorities be directed to take a view on the prolonged suspension of the petitioner.



3. Learned AC to AAG-3 submits that the petitioner was arrested in a trap case and considering the seriousness of the allegations against him, he has been kept under suspension.

4. Be that as it may, considering that the petitioner has remained under suspension for four years by now and it is stated that only recently a Presenting Officer has been appointed in the inquiry, this Court is of the view that the disciplinary authority should take a re-look on the desirability to keep the petitioner under suspension.

5. In the opinion of this Court, either the disciplinary proceeding itself be concluded within a time frame and at the earliest or in case the said proceeding is not concluded within a period of six months, the competent authority shall take a decision on the continued suspension of the petitioner, however, such decision will be an independent one and in accordance with law.

6. This Court has been informed that the petitioner is not getting due subsistence allowance in accordance with law. If it is so, the petitioner may represent it before the competent authority who will look into it and shall pass an appropriate order at the earliest.

7. This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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