

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3754 of 2023

Govind Prasad S/o Sri Chetan Prasad (Executive Engineer at Samagra Yojana Anveshan awam Project Preparation, Pramandal-Siwan, of Water Resoures Department, Bihar, Patna, Bihar). Presently R/o Mohalla-Ajma Palace (5E), 1080, Est Lane of T.P.S. Collage, P.S.-Kankarbagh, District-Patna. Permanent R/o B-302, Sunrise Sai Plaza, Kushumpuram Colony, Golaroad, P.S.-Rupaspur, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, State of Bihar at Patna.
2. The Under Secretary, General Administration Department.
3. The Principal Secretary, General Administration Department, Government of Bihar, Government of Bihar, Patna.
4. The Principal Secretary, Vigilance Department, Government of Bihar, Patna.
5. The Secretary, Water Resource Department, Government of Bihar, Patna.
6. The Under Secretary, Water Resource Department, Government of Bihar, Patna.
7. The Joint Secretary, Water Resource Department, Government of Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr.Rupesh Kumar, Advocate
For the State	:	Mr.S. Kumar, AC to AAG-4
for the Vigilance	:	Mr. Anil Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-04-2023 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner in the present case is seeking the following reliefs:-

“I. For issuance of writ/writs, order/orders, direction/directions in the nature of Certiorari for quashing the notification No. 299 dated 10.02.2022 issued by the order of Governor of Bihar through



Under Secretary, Government of Bihar, Patna whereby and where under Petitioner has been suspended from immediate effect under rule 9(1) of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 due to allegations of *non payment of money for Gandak River Survey work despite several directions of higher officer, non discharge of his duty, acting voluntarily and to behave undisciplinedly.*

II. For issuance of an appropriate writ/s, order/s, direction/s in the nature of certiorari, for quashing all the notifications, orders, etc. issued thereby arising out of notification No. 299 dated 10.02.2022 issued by the order of Governor of Bihar through Under Secretary, Government of Bihar, Patna.

III. For issuance of an appropriate writ/s, order/s, direction/s in the nature of certiorari, for quashing of Charge Sheet dated 27.08.2021, Resolution (Sankalp) No. 323 dated 15.02.2022 and Order No. 109 dated 22.07.2022 issued by the order of Governor of Bihar through Under Secretary, Government of Bihar, Patna.

IV. For issuance of an appropriate writ's, orders, direction/s in the nature of Mandamus commanding these Respondents to give all the salary, allowances, etc. to the petitioner during the period of Suspension.

V. For issuance of an appropriate writ/s, order/s, direction's in the nature of Mandamus commanding these respondents to reinstate Petitioner on duty from immediate effect.

VI. For issuance of an appropriate writ/s, order/s, direction/s in the nature of Mandamus commanding these Respondents to take appropriate actions against the erring officers since From perusal of charges, it appears that, the situations does not warrant the immediate suspension of the petitioner.



VII. For issuance of an appropriate writ/s, order/s, direction/s in the nature of Mandamus commanding these Respondents to give appropriate Compensation to the petitioner for unnecessary mental and physical harassment due to the aforesaid reasons of his suspension.

VIII. For that any other reliefs, orders, direction/s in favour of petitioner in the facts and circumstances of this case.”

Learned counsel for the petitioner submits that the petitioner has been placed under suspension vide the impugned order dated 10.02.2022, a disciplinary proceeding has been initiated against him and in this connection a charge-sheet has been served but thereafter the disciplinary proceeding has not proceeded.

Learned counsel submits that at this stage a proper direction may be issued to the respondent authorities to conclude the departmental proceeding against the petitioner within a reasonable period and consider revocation of his suspension.

Learned counsel for the State submits that the limited prayer which is being made on behalf of the petitioner may be considered and an appropriate order may be issued.

Having regard to the reliefs prayed on behalf of the petitioner at this stage, this Court directs the disciplinary authority to ensure completion of the departmental proceeding



against the petitioner within a period of six months from the date of receipt/production of a copy of this order.

If the disciplinary proceeding is not concluded within a period of six months, for no fault on the part of the petitioner, the respondents shall consider the desirability of revoking the order of suspension of the petitioner. The petitioner must cooperate in course of departmental proceeding.

This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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