

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13837 of 2022

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Suneel Kumar Singh, Son of Prem Narayan Singh, Resident of village-
Medanipur Mathiya, Karnada, Gazipur- 233224, presently residing at B-304,
Khelari Heritage Apartment, Visveswaraya Nagar, Patna, P.S.- Rupaspur,
District- Patna, Bihar.

... .. Petitioner

Versus

1. The State of Bihar.
2. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Additional Secretary, General Administration Department, Government of Bihar, Patna.
5. The Deputy Secretary, General Administration Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Senior Advocate Mr. Pranav Kumar, Advocate
For the Respondent/s	:	Mr. Prabhat Kumar Verma, AAG-3 Mr. Sanjeev Kumar Ghosarvey, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 11-05-2023

Heard Mr. Y.V. Giri, learned Senior counsel assisted by
Mr. Pranav Kumar, learned Advocate for the petitioner and Mr.
Prabhat Kumar Verma, learned AAG-3 assisted by Mr. Sanjeev
Kumar Ghosarvey, learned AC to AAG-3 for the State.

2. Petitioner in the present case is praying for the
following reliefs:-

“(i) To issue an appropriate writ, order, direction
in the nature of certiorari for quashing the memo
no. 7654 dated 27.07.2021 issued under the
signature of Additional Secretary, General



Administration Department whereunder the petitioner has been put under suspension in terms of Rules 9(1)(a) &(c) of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 as the suspension is based not only on non-existent grounds but it has become protracted and outlived its object and purpose after a lapse of prolonged time period, especially since when the departmental enquiry has not been concluded within the stipulated period of 12 months, in violation of memo no. 2178 dated 28.02.2007 issued by the Department of Personnel & Training, Government of Bihar, and letter no. 2763 dated 26.02.2014 issued by the General Administration Department. (Annexure-3, Pg-172).

(ii) To issue an appropriate writ, order, direction in the nature of mandamus commanding the respondent no. 3 to revoke the suspension of the petitioner with immediate effect on the ground of protracted, prolonged suspension without any reason with all consequential benefits.

(iii) To issue an appropriate writ, order, direction in the nature of mandamus commanding the respondents to revoke the suspension of the petitioner and treat the period of suspension as a period spent on duty.

(iv) To issue an appropriate writ, order, direction in the nature of mandamus commanding the respondents to pay the remaining portion of the salary of the petitioner, and other consequential benefits, during the period of suspension from 27.07.2021 to till date in terms of Rule 11 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005.

(v) to any other relief for which the petitioner appears to be found entitled by the Hon'ble Court."

3. Learned Senior Counsel for the petitioner submits that

at this stage, he is not pressing this writ application on its merit.

His simple prayer is that the order of suspension being about two



years old may be revisited by the competent authority and upon consideration, it may either be modified or revoked in accordance with sub-rule (6) of Rule 9 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005.

4. Learned Senior Counsel has placed before this Court a copy of the order dated 17.05.2022 passed in **CWJC No. 18163 of 2021 (Amitabh Kumar Vs. The State of Bihar and Ors)** in which considering a similar kind of grievance of the petitioner in the said case, learned co-ordinate Bench of this Court has issued direction to the author of suspension to undertake review of suspension within a period of two months. It is submitted that the petitioner would be satisfied at this stage if similar order is passed.

5. Learned Senior Counsel for the petitioner has submitted that the disciplinary proceeding against the petitioner is still pending.

6. Mr. Prabhat Kumar Verma, learned AAG-3 for the State points out that the petitioner has made a representation vide Annexure '4' to the writ application and he would have no objection if a direction is issued by this Court to the competent authority to consider the representation of the petitioner and pass an appropriate order thereon.



7. Having regard to the submissions noted hereinabove, this Court directs the competent authority to consider the representation of the petitioner, revisit the order of suspension keeping in mind that the suspension has continued for about two years and the disciplinary proceeding against the petitioner is still pending.

8. The competent authority shall take an appropriate view of the matter and pass a reasoned order on the representation of the petitioner within a period of two months from the date of receipt/production of a copy of this order.

9. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

lekhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	15.05.2023
Transmission Date	

