

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.385 of 2023

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Ajay Kumar Singh, Son of Chaturbhuj Singh R/o Road No.7 Indrapuri, Near Dulari Hospital Patna, Executive Engineer, Rural Works Department, Work Division Masaurhi. At Present Suspended Head Office of Engineer in Chief Rural Works Department, GOvt. of Bihar, Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. The Secretary Rural Works Department, Govt. of Bihar, Patna,
3. The Addl. Secretary Rural Works Department, Government of Bihar, Patna.
4. The Deputy Secretary, Rural Works Department, Govt. of Bihar, Patna.
5. The Special Secretary, Rural Works Department, Government of Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Sarveshwar Tiwary, Advocate
For the Respondent/s : Mr.Hitesh Suman, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 11-04-2023 Heard learned counsel for the petitioner and the State.

Learned counsel for the petitioner seeks permission to make correction as regards Annexure numbers. He is permitted to do so.

Learned counsel for the State submits that he has filed a counter affidavit yesterday. Learned counsel for the State files the hard copy of the counter affidavit. Let it be taken on the record.

Petitioner in the present case is seeking reliefs in terms of prayers made in Paragraph '1' of the writ application.

Paragraph '1' of the writ application is, therefore,



being reproduced hereunder:-

“1.That, this writ petition is being filed for issuance of an appropriate writ/ writs order or orders in the nature of certiorari for quashing the resolution bearing memo no. 1856 dated 27.12.21 issued under the signature of respondent no. 4 i.e. the Deputy Secretary of Government Rural Works Department Govt. of Bihar, Patna whereas and whereunder the petitioner put under suspension on the basis of a D.A. case bearing Vigilance P.S. Case No. 54/2021 dated 17.02.2021u/s 13(2) with 13(i)(b) of the P.C. Act the petitioner has put under suspension under 9(1)(k) and 9(i)(G) more than 10 month has elapsed but no action has been done regarding said suspension. The petitioner gave his review petition to revoke the suspension before the respondent no. 2 but inspite of that no action taken by the authority concern in many similar matter suspension has been revoked by the many department further for direct the respondents to revoke the suspension of petitioner forthwith and gave full salary with all legal consequential benefit on the basis of a similar matter bearing CWJC No. 21357/2021 (Rakesh Kumar V/s The State of Bihar and CWJC No. 24500/19 (Ashwani Kumar v/s The State of Bihar) the suspension of the party has been revoked and further for any other appropriate relief or reliefs for which the petitioner is entitled from the facts



and circumstances of this case.”

A counter affidavit has been filed on behalf of the State. It is stated in Paragraph ‘6’ of the counter affidavit that charges have already been framed against the petitioner vide letter no. 690 dated 26.03.2022 (Annexure ‘C’ to the counter affidavit). The petitioner has submitted a reply to the same and thereafter the matter has been reviewed by the department. The department has decided to initiate a disciplinary proceeding against the petitioner. In this connection, a statement has been made in Paragraph ‘11’ of the counter affidavit that vide Resolution no. 372 dated 21.02.2023, the departmental proceeding has been initiated in accordance with Rule 17 of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as the “Service Rules”). It is stated that the Chief Enquiry Commissioner, Bihar and Mr. Satrunjay Kumar Mishra, Joint Secretary, Rural Works Department, Bihar have been appointed as Conducting Officer and Presenting Officer respectively.

Taking note of the statements made in the counter affidavit, this Court directs that the disciplinary proceeding against the petitioner be conducted expeditiously and all endeavors be made to conclude the same within a period of 6



months from the date of appearance of the petitioner in the disciplinary proceeding. The petitioner shall also cooperate in conclusion of the proceedings and no uncalled for adjournment shall be sought for.

As regards his prayer for revocation of suspension, he is said to have submitted a representation as contained in Annexure '5' to the writ application on 06.10.2022. Nothing has been said about this in the counter affidavit. This Court, therefore, directs the Secretary, Rural Works Department, Government of Bihar, Patna (respondent no. 2) to consider the representation (Annexure '5') of the petitioner and pass a reasoned order thereon in accordance with law within a period of 30 days from the date of receipt of this order.

This writ application stands disposed of.

(Rajeev Ranjan Prasad, J.)

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