

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3911 of 2024

=====

Anil Kumar Singh son of Rameshwar Singh, R/o Village and P.O. and P.S.-
Budhuchak, Mohanpur Gaughatta, English, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Engineer in Chief, Flood Control and Drainage, Patna, Water Resources Department, Government of Bihar, Patna.
4. The Under Secretary, Water Resources Department, Government of Bihar, Patna.
5. The Joint Secretary, Water Resources Department, Government of Bihar, Patna.
6. The Chief Engineer, Flood Control and Drainage, Patna, Water Resources Department, Government of Bihar, Patna.
7. The Chief Engineer, Irrigation Creation, Dehri, Water Resources Department, Government of Bihar, Patna.
8. The Executive Engineer, Ganga Sone Flood Protection Division, Digha, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Alok Ranjan, Adv.
For the Respondent/s : Mr.Government Pleader 4

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-03-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1.(i) For quashing order as contained in memo no. 38 dated 11.01.2022 issued under the signature of Joint Secretary, Water Resources Department Government of Bihar, whereby and where under the petitioner has been suspended under Rule 9(1) of Bihar CCA Rules 2005.



ii). *For Quashing of entire departmental proceeding initiated against the petitioner vide letter no. 1412 dated 16.06.2022, without considering the fact that prima facie also the charges leveled against the petitioner is not correct, as the inquiry of the materials were not made appropriately, pursuant to departmental guide lines and SOP prescribed was not followed and was made according to the sweet will of team headed by the Sub-Divisional officer, Flood control Sub-Division Punpun, inspection of 2 godowns were not made and without holding any proper investigation petitioner was prima-facie held guilty and the allegation were leveled for which he has been suspended, and on the basis of report submitted Departmental proceeding was initiated and order passed by authority is with predetermined mind, illegal, arbitrary, colorable exercise of power, non speaking, unreasoned and with biased attitude as against the petitioner and the same is abuse of process of law.*

iii). *For holding that entire departmental proceeding initiated, conducted against the petitioner is bad in law and for quashing of entire departmental proceeding initiated against the petitioner, for the charges for which he is not at all responsible, as he has followed the instructions and directions/ orders of his senior authorities and being biased as against the petitioner, departmental proceeding has only been*



initiated against the petitioner with ulterior motive.

iv). For restraining and commanding the respondent authorities not to take any further coercive steps as against the petitioner.

v). For directing and commanding the respondent authorities to increase the subsistence allowance pursuant to rule 10 of Bihar CCA Rules 2005 rule 10 as he has been suspended for more than 12 months and is still under suspension and only 15% amount after much persuasion has been increases, and there is no delay and latches on the part of the petitioner.

vi). For directing and commanding the respondent authorities for revocation of the suspension order of the petitioner and for reinstatement of the petitioner.

vii) For directing and commanding the respondent authorities for making proper investigation de-novo, as the investigation/ inquiry was not conducted pursuant to the departmental guidelines and SOP, if any, issued from time to time by the Department, moreover two of the divisional godowns were not at all inspected and report was submitted and the same was the basis of institution of present departmental proceeding as against the petitioner also.

viii). For granting all the consequential benefits including full salary (for the period for which he



*was put under suspension for no fault on his part)
to the petitioner after revocation of suspension.”*

2. At the outset, the learned counsel for the parties are in agreement that the present writ petition can be disposed off with a direction to the Disciplinary Authority to conclude the departmental proceeding in question, within a period of three months from today, failing which, the order of suspension qua the petitioner herein shall stand revoked automatically. It is directed accordingly.

3. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

sonal/-

U			
---	--	--	--

