

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10575 of 2024

Sudhanshu Kumar Srivastaw son of Sri Rajendra Prasad Resident of Piro,
Sonbarsa, Bhojpur, Bihar, P.S.- Piro, District- Bhojpur At Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Cooperative Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Cooperative Department, Government of Bihar, Patna.
3. The Additional Secretary, Cooperative Department, Government of Bihar, Patna.
4. The Registrar , Cooperative Committees, Bihar, Patna.
5. The Additional Collector, Departmental Proceeding, Patna-cum-Enquiry Officer.
6. The Additional Secretary, Mining and Geology Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar, Advocate
For the Respondent/s	:	Mr. Government Pleader 6
For the Mining Department:		Mr. Naresh Dikshit, Advocate
		Mr. Brij Bihari Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-07-2024 Heard learned counsel for the petitioner, learned
counsel for the Mining Department and learned counsel for the
State.

2. The petitioner has filed the present writ petition with
following reliefs:-

(i). For setting aside the order as contained
in Memo No. 4585 dated 25.08.2021 issued under the



signature of Registrar Cooperative Committees, Bihar, Patna, whereby the petitioner has been suspended w.e.f., 06.07.2021 in contemplation of departmental proceeding which was subsequently initiated, the enquiry report was submitted on 19.06.2023, second show cause was issued on 10.08.2023 and petitioner replied on 24.08.2023 and, thereafter, no order has been passed.

(ii). The petitioner further prays that his suspension be revoked w.e.f., 06.02.2022 as the petitioner was suspended vide order dated 25.08.2021 w.e.f., 06.07.2021 and the charge memo was not served upon him within maximum period of seven months and, therefore, his suspension got revoked ipso facto by efflux of law in terms of the Full Court Judgment of this Hon'ble Court.

(iii). The petitioner further prays for payment of full salary for the entire period he remained under suspension after seven months from the initial date of suspension.

(iv). For any other relief/reliefs for which the petitioner may be deemed entitled to.

3. Learned counsel for the petitioner submits that



petitioner was suspended vide Memo No.4585 dated 25.08.2021 but till date departmental proceeding has not been concluded. Counsel submits that for the conclusion of the departmental proceeding within time frame and to end his suspension he has filed a representation vide Annexure-10 before the Registrar, Co-operative Societies, but till date no decision has been taken as yet.

4. Learned counsel for the State, on the other hand, submits that as per the pleadings made by the petitioner in the departmental proceeding, second show-cause has been issued and now only final order has to be passed.

5. In any view of the matter, this writ petition is disposed off directing respondent No.4 to pass order on the representation, which is Annexure-P-10. It is directed that upon production of this order before him within 30 days, he shall pass a reasoned and speaking order in this matter within 90 days thereafter.

6. It is made clear that the order passed by this Court in the present writ petition shall not create bar in finalization of the departmental proceeding.

(Dr. Anshuman, J)

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