

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12142 of 2024

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Brajesh Kumar Jha S/o-Somesh Chandra Jha R/o-Mohalla-Ramwati Lane,
New Vikramsila Colony, Jagdishpur, P.O. and P.S.-Jagdishpur, Distirct-
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, Planning and Monitoring, Patna, Water Resources Department, Government of Bihar Patna.
4. The Under Secretary, Water Resources Department, Government of Bihar Patna.
5. The Chief Engineer, Irrigation Creation, Water Resources Department, Bhagalpur.
6. The Superintending Engineer, Irrigation Circle, Kharagpur, Munger.
7. The Superintending Engineer, Design Planning and Monitoring Circle Bhagalpur.
8. The Executive Engineer, Irrigation Division Bijjikhorwa (Banka)
9. The Executive Engineer, Planning and Monitoring Division, Bhagalpur.
10. Shri Priyaranjan, the then Sub-Divisional Officer (Office of Irrigation Sub-Division Bijjikhorwa and Bishunpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Ranjan, Adv.
For the Respondent/s : Mr.Government Pleader 16

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 13-08-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Counsel for the petitioner submits that the present writ petition has been filed for directing the respondent authority to make payment of entire salary, allowances, consequential benefits, etc,. Attached to the post of the petitioner for the period of 01.06.2019 to 31.08.2021, while he was illegally been suspended from his service under Rule 9(1) of the Bihar CCA Rules, 2005.



3. Counsel for the petitioner further submits that it may be held that the suspension of the petitioner was illegal and direction was made to respondent authorities for not to take any coercive steps against the petitioner and directed them to grant all consequential benefits including full salary for the period, he was put on suspension.

4. Counsel further submits that the petitioner was suspended under Rule 9(1) of the Bihar CCA Rules, 2005 contained in Memo No.1104 dated 31.05.2019 which is Annexure-P/1 of the writ petition.

5. Counsel further submits that suspension of the petitioner was revoked vide Annexure-P/4 contained in Memo No.987 dated 26.08.2021. He further submits that according to Rule of Bihar CCA Rules, 2005, any person who has been suspended and whose suspension has been revoked subsequently, then in that case, a decision ought to be taken by the competent authority under the statute about payment of salary and another benefits attached to the petitioner. Counsel submits that in this regard, he has filed representation vide Annexure-P/7 and P/8, but no decision has been taken by the officials till date.

6. Counsel further submits that the petitioner has moved earlier before this Hon'ble Court in C.W.J.C. No.6495 of



2020 in which vide order dated 05.01.2022, the writ petition was dismissed as withdrawn, and therefore, he submits that no decision has been taken on merit and liberty is automatically available to him to raise his grievances in accordance with law.

7. Counsel for the State submits that a direction may be given to the respondent authority to take decision in this matter.

8. Upon hearing the parties, it transpires to this Court that the representation has been filed by the petitioner before the under Secretary who is not competent person to decide this matter. In this circumstances, liberty is hereby granted to the petitioner that he shall file afresh representation within 90 days before the respondent No.2 (the Additional Chief Secretary, Water Resources Department, Government of Bihar, Patna), who shall take decision within 90 days from the date of receiving his fresh representation along with this order.

9. With the aforesaid liberty, the present writ application is hereby disposed off.

(Dr. Anshuman, J.)

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