

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18359 of 2022

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Rajiv Kumar Singh @ Rajeev Kumar Singh S/o Late Laxman Singh, R/o Village- Mahnar, P.S.- Mahnar, District- Vaishali. Presently residing at- Mahamadpur, P.S.- Begusarai Town, District- Begusarai, Suspended X-Ray Technician, Referral Hospital Mokama, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Health Department, Govt. of Bihar New Secretariat Patna.
2. The Additional Chief Secretary Health Department, Govt. of Bihar New Secretariat Patna.
3. The Director-In-Chief Health Services, Govt. of Bihar Patna.
4. The Civil Surgeon Patna, District- Patna.
5. The In-Charge Medical Officer, Referral Hospital Mokama, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh, Advocate
For the Respondent/s : Mr.Binod Kr. Yadav (SC-18)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 27-02-2024 The present writ petition has been filed
seeking the following relief:-

“1.(i) For issuance of an appropriate writ in the nature of Mandamus commanding and directing the respondent No.3 to take decision on letter No. 11877 dated 01.11.2021 annexed with representation of petitioner dated 22.10.2021 as well as Notification of General Administration Department Govt. of Bihar dated 26.2.2014 whereby time has framed for concluding the proceeding.



(ii) For issuance of appropriate writ in the nature of Mandamus commanding the directing the respondent no.3 to take decision on suspension in view of letter issued by Personnel and Administrative Reforms Department, Govt. of Bihar contained in Letter No. 9180 dated 03.7.1986 clause 4 (kha) whereby in case, no criminal proceeding is pending in such cases suspension order ought to have vacated, after completion of 2 years i.e. 7 Month and also take decision in view of the law laid down by the Hon'ble Apex Court in Union of India Versus Deepak Kumar as no letter of renewal of suspension has ever been issued after completion of 3 months of suspension and further a direction to grant all consequential benefit."

2. The limited grievance of the petitioner is that though the petitioner was suspended vide Memo dated 18.03.2020, however, till date the departmental enquiry in question has not stood concluded, hence the order of suspension of the petitioner be directed to be revoked.

3. *Per contra*, the learned counsel for the respondent-State submits that the departmental



proceedings in question would definitely be concluded within a period of three months from today, failing which it may be directed that the suspension of the petitioner would stand revoked automatically.

4. The learned counsel for the petitioner is agreeable to the aforesaid proposal put forth by the learned counsel for the respondent-State.

5. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the disciplinary authority to conclude the departmental proceeding in question, by passing the final order, either way, within a period of three months from today, failing which the order of suspension of the petitioner shall stand revoked automatically.

6. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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