

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15771 of 2024

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Dinesh Paswan, Son of Late Sridhar Paswan, Resident of Village- Manjathi,
Post Office- Khajuri, Police Station - Koanch, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of General Administration, Govt. of Bihar, Patna.
2. The District Collector, Gaya.
3. The Superintendent of Police, Gaya.
4. The Divisional Divisional Officer, Tekari, Gaya.
5. The Circle Officer, Koanch, Gaya.
6. The In-charge Police Officer, Koanch, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Virendra Prasad, Advocate
For the Respondent/s : Mr. Government Pleader (11)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2024 Heard the parties.

2. The grievance of the petitioner is confined to the expeditious disposal of the disciplinary proceeding commenced pursuant to the issuance of the memo of charge way back on 02.07.2021 and the submission of the enquiry report by the conducting officer on 19.11.2021 but, till date, no final order has been passed. The petitioner also sought a direction upon the respondent authorities to pay full salary for the suspension period in view of the Government Circulars.

3. Learned Advocate for the petitioner contended that while the petitioner was posted as Chaukidar in Police Station,



Koanch, District Gaya. He was made accused in connection with Rafiganj P.S. Case No. 101/2017 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

4. On account of the afore-noted fact, the petitioner was put to suspension and the department intended to initiate a departmental proceeding. Pursuant thereto, vide memo no. 721 dated 02.07.2021 charges have been framed and the copy of which was duly served upon the petitioner.

5. The petitioner submitted his show cause before the conducting officer and the conducting officer after completion of the enquiry submitted its enquiry report before the disciplinary authority vide its memo no. 153, dated 19.11.2021, the copy of which is marked as Annexure P/4 to the writ petition.

6. While the matter was pending before the disciplinary authority, the petitioner approached before this Court for revocation of his suspension in C.W.J.C. No. 511 of 2023. In pursuant to the order of this Court dated 18.03.2023, the suspension of the petitioner has revoked vide its memo no. 810, dated 13.06.2023.

7. Adverting to the aforesaid facts, learned Advocate



for the petitioner thus contended that the petitioner was put on suspension way back in the year 2018, the departmental proceeding commenced in the year 2021. Later on, due to interference of this Court his suspension has been revoked in the year 2023. Albeit, the aforesaid facts, till date the disciplinary proceeding has not come to an end, though the enquiry report has already been submitted on 19.11.2021, left with no option the petitioner approached before this Court.

8. The learned Advocate for the State refuting the afore-noted contention has drawn the attention of this Court to the enquiry report and submitted that the petitioner himself made a request before the conducting officer to keep the disciplinary proceeding pending till the disposal of the criminal case. It is not in dispute that the criminal case has yet not been disposed of.

9. Considering the rival submissions made on behalf of learned Advocate for the respective parties and taking note of the fact that the disciplinary proceeding has been kept pending since long, the same is required to be brought to its logical conclusion by the order of the disciplinary authority. Thus, this Court directs the respondent no. 2 to consider the claim of the petitioner and pass a final order on the enquiry report in the



disciplinary proceeding, in accordance with law, preferably within a period of three months from the date of receipt/production of a copy of this order.

10. While passing the order afore-noted, the respondent shall also be obliged to consider the claim of the petitioner for salary during the period for which he remained under suspension.

11. The writ petition stands disposed off with the direction afore-noted.

(Harish Kumar, J)

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