

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.577 of 2024

=====

Shambhu Prasad son of Ravindra Prasad, resident of village- Fatehpur, P.S.- Belchi, District- Patna, presently residing at Anita Awash, House No.14, Road No.08, Patel Nagar, near Gandhi Murti, P.S.- Sastrinagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar Patna.
2. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
3. The Secretary, Department of Agriculture, Government of Bihar, Patna.
4. The Special Secretary, Department of Agriculture, Government of Bihar, Patna.
5. The Joint Secretary, Department of Agriculture, Government of Bihar, Patna.
6. The Deputy Secretary, Department of Agriculture, Government of Bihar, Patna.
7. The Officer on Special Duty, Department of Agriculture, Government of Bihar, Patna.
8. The Under Secretary, Department of Agriculture, Government of Bihar, Patna.
9. The Director, Department of Agriculture, Government of Bihar, Patna.
10. The Director, Horticulture, Directorate of Garden, Bihar, Patna.
11. The Deputy Director (Administration), Agricultural Directorate, Bihar, Patna.
12. The Joint Director (Agronomy), Tirhut division, Department of Agriculture, District- Muzaffarpur.
13. The Assistant Director (Horticulture), Department of Agriculture, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate
For the Respondent/s : Mr.Standing Counsel (28)

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-02-2024 The present writ petition has been filed
seeking the following reliefs:-

“1. i) To issue a writ of Mandamus,



commanding and directing the Respondent authority concerned to accept the joining of the petitioner forthwith and grant him all consequential monetary benefit posting him at appropriate place, after revoking his suspension order issued vide Memo No.1031 dated 26.10.2022 (Annexure-4) by the Respondent No.9, the Agriculture Director, putting the petitioner under suspension with immediate effect on account of institution of an F.I.R. bearing Economics Offence P.S. Case No.25/2022 dated 27.06.2022 against him for the allegation that petitioner has earned disproportionate assets beyond his salary/income; as the said suspension of the petitioner is liable to be cancelled / revoked /withdrawn automatically as per Rule 9(7) of the Bihar C.C.A. Rules, 2005 because an employee cannot be put under suspension beyond 07 months unless his suspension order was extended by the authority.

ii) To issue a writ of Certiorari, setting aside the Memo No.1031



dated 26.10.2022 (Annexure-4) by the Respondent No.9, the Agriculture Director, putting the petitioner under suspension with immediate effect on account of institution of an F.I.R. bearing Economics Offence P.S. Case No. 25/2022 dated 27.06.2022 against him for the allegation that petitioner has earned disproportionate assets beyond his salary/income, because Respondent authority neither extended the suspension order of the petitioner after 3 months even after giving/submitting the application by the petitioner dated 14.02.2023 nor framed any charge against him till 05.07.2023 i.e. for about 11 months."

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 dispose off the departmental proceedings in question, within a period of six months from today, failing which the order of suspension of the petitioner shall stand



revoked automatically and during the interregnum period, the petitioner shall be paid subsistence allowance, in accordance with law. It is directed accordingly.

3. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

