

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2221 of 2025

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Tejnarayan Singh Son of Viraj Singh, Resident of village - Ramnagar, Ujagir Tola, Ward No.- 7, Salsalas, Police Station- Nawanagar (Sonbarsha O.P.) District- Buxar (Bihar) - 802125.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Secretary, Department of Home, Government of Bihar, Patna.
3. The Director, Department of Home, Government of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Inspector General of Police, Magadh Division, Patna.
6. The Deputy Inspector General of Police, Sahabad, Dihri on Sone.
7. The District Magistrate, Buxar.
8. The Superintendent of Police, Buxar.
9. The Deputy Superintendent of Police, Dumraon, Buxar.
10. The Deputy Superintendent of Police, Buxar Mufassil, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ankit Kumar Singh, Adv.
For the Respondent/s : Mr.Government Pleader (14)

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 11-02-2025 This petition has been preferred by the petitioner seeking following reliefs:-

i. For issuance of writ/s, order/s, direction/s in the nature of mandamus, commanding the respondent to pass a suspension revocation order in favour of the petitioner because the petitioner has been suspended since 06.08.2020 vide Buxar District Collectorate Order 178 of 2021.

ii. For issuance of writ/s, order/s,



direction/s in the nature of mandamus, commanding the respondent authority for speedy disposal of the Departmental Proceeding pending against the petitioner since a long period.

iii. For issuance of an appropriate writ/s, order/s, direction/s to the respondent authority to immediately pay subsistence allowance to the petitioner because he has suspended since 06.08.2020 and received only subsistence allowances, which six months is creating hardship for survival of the petitioner as well as his entire family.

2. It is submitted by learned counsel for the petitioner that the petitioner was appointed as Chaukidaar on 13.02.2019. Subsequently, petitioner has been implicated in a case of SC/ST Act bearing Sonbarsa (O.P.) P.S. Case No. 266 of 2020 dated 05.08.2020 for the alleged offences under Sections 341, 323, 354, 504, 506, 34 of the Indian Penal Code and under Section 3(2) (Va) SC/ST Act and under Sections 25(1-b)a, 26, 27 of the Arms Act and because of that the petitioner has been arrested and he was in custody on the basis of said, vide order dated 22.01.2021 (Annexure '2') he has been suspended with effect from 06.08.2020, subsequently charge memo has been issued to the petitioner on 30.10.2023 (Annexure '4') the departmental inquiry is still going on. He further submits that the petitioner



has also not provided subsistence allowance from the period 30.08.2021 to the month of January, 2024. He lastly submits that the matter of the petitioner is squarely covered by the judgment passed by the Hon'ble Supreme Court in the case of ***Ajay Kumar Choudhary vs. Union of India and Another*** reported in ***(2015) 7 Supreme Court Cases 291*** as within 90 days from the suspension charge sheet has not been issued against him nor any order of extension of suspension has been passed, therefore, on these grounds only, the petitioner is entitled to get his reinstatement.

3. Learned counsel for the respondent-State finally admitted that the case of the petitioner is squarely covered with the judgment passed by the Hon'ble Supreme Court in the case of ***Ajay Kumar Choudhary (supra)***. He also fairly admits that within 90 days from the date of suspension no chargesheet has been submitted nor any order of extension of suspension has been passed.

4. In case of ***Ajay Kumar Choudhary (supra)***, the Hon'ble Supreme Court held as under:-

21. We, therefore, direct that the currency of a suspension order should not extend beyond three months if within this period the memorandum of charges/charge-sheet is not served on the delinquent



officer/employee; if the memorandum of charges/charge-sheet is served, a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the person concerned to any department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognised principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognise that the previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time-limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation, departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.



5. In light of the above observation made by the Hon'ble Supreme Court in the case of *Ajay Kumar Choudhary* (*supra*) on examination of the facts of this petition it reveals that within 90 days from the suspension of the petitioner no chargesheet has been issued against him rather chargesheet has been issued after more than two years and further reveals that no order of extension of his suspension has also been issued by the competent authority, therefore, on these grounds alone the petitioner is entitled to get his reinstatement.

6. Accordingly, this petition is allowed and the respondents are directed to reinstate the services of the petitioner forthwith they are also directed to provide subsistence allowance of the petitioner which they are not been paid yet as prayed by the learned counsel as referred hereinabove, however, the respondents are at liberty to continue with the departmental inquiry which is going on against the petitioner.

(Arvind Singh Chandel , J)

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