

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12169 of 2025

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Ritesh Chandra Sinha S/o Kailash Chandra Sinha, R/o Flat No. 303 C, S.P. Griham Apartment, Ramnagri, Post- Ashiyananagar, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through its Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Under Secretary, Road Construction Department, Government of Bihar, Patna.
4. The Chief Engineer, (South), Road Construction Department, Government of Bihar, Patna.
5. The Superintending Engineer, Magadh Circle, Gaya, Road Construction Department, Government of Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Raju Giri, Sr. Advocate
	:	Mr. Ranjan Kumar Srivastava, Advocate
	:	Mr. Samsher Prasad, Advocate
For the State	:	Mr. Prashant Pratap, GP-2

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 27-08-2025 Heard learned Senior Counsel for the petitioner and

learned counsel for the Respondent-State.

2. The petitioner has prayed for the grant of following
reliefs:-

(i) For staying the operation of the suspension order contained in Notification No. 3868(s) dated 16.05.2025 (Annexure P/15), issued by Respondent No. 3, i.e., the Under Secretary, Road Construction Department, Government of Bihar,



Patna, during the pendency of the present writ petition.

(ii) For directing Respondent Nos. 2 and 3, namely, the Additional Chief Secretary and the Under Secretary, Road Construction Department, Government of Bihar, Patna, to consider the Petitioner's reply dated 22.07.2025 to the show-cause notice issued vide Letter No. 07/2025/5825 dated 02.07.2025, and to conclude the departmental proceeding within a reasonable period as may be fixed by this Hon'ble Court.

3. Learned Senior Counsel appearing for the petitioner submits that during the pendency of the writ application, the respondent has already issued a charge memo dated 02.07.2025 and further proceedings in light of the said charge memo has been initiated.

4. The charge memo has been brought on record by way of Annexure P-19 to the Interlocutory Application No. 1 of 2025. Learned Senior Counsel appearing for the petitioner further submits that suspension order is dated 16.05.2025 (Annexure P-15) which is under challenge in the present writ application. Based on this suspension order, the petitioner is under suspension since 16.05.2025 and during the period of



suspension i.e., on 02.07.2025, the charge memo has been issued. Learned Senior Counsel relies upon a judgment of the Hon'ble Apex Court in the case of ***Ajay Kumar Chaudhary Vs. Union of India through its Secretary & Anr. reported in AIR 2015 Supreme Court 2389*** in which in paragraph nos. 8 and 14, it has been held as follows:-

“8. Suspension, specially preceding the formulation of charges, is essentially transitory or temporary in nature, and must perforce be of short duration. If it is for an indeterminate period or if its renewal is not based on sound reasoning contemporaneously available on the record, this would render it punitive in nature. Departmental/disciplinary proceedings invariably commence with delay, are plagued with procrastination prior and post the drawing up of the Memorandum of Charges, and eventually culminate after even longer delay.

14. We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet



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 concerned person 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 recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that 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. Learned Senior Counsel further submits and prays that since charge memo has already been filed on 02.07.2025 and further proceedings are being carried out, therefore, the present writ application may be disposed of directing the respondent authorities to conclude the entire departmental inquiry within three months. Learned Senior Counsel further prays that since the suspension has been continuing for more than three months now i.e., from 16.05.2025, therefore, in light of the ratio of the aforesaid Hon'ble Apex Court judgment (*supra*) it would be necessary for the Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna (respondent no. 2) to pass a reasoned order in case he desires to continue with the period of suspension, otherwise the suspension order would be deemed to be a punitive order of suspension.

6. Learned counsel appearing for the Respondent-State opposes the prayer made by learned Senior Counsel appearing for the petitioner. He, however, submits that he has no objection if the writ application is disposed of directing the respondent disciplinary authority (respondent no. 2) to conclude the entire departmental inquiry within three months from the



date of passing of this order. He further submits that for revocation of the suspension order, the petitioner should be asked to file an application before the respondent no. 2.

7. Having considered the submissions made by both the parties and particularly taking notice of the observation made by the Hon'ble Apex Court in the case of ***Ajay Kumar Chaudhary Vs Union of India through its Secretary & Anr.*** (*supra*), this case is disposed of directing the disciplinary authority (respondent no. 2) to conclude the departmental proceeding arising out of charge memo dated 02.07.2025 within three months from the date of passing of this order.

8. The petitioner is granted liberty to immediately file an application before the respondent no. 2 for revocation of the order of suspension and if such an application is filed within one week from the date of this order then the disciplinary authority (respondent no. 2) shall consider the same and after giving an opportunity of hearing to the petitioner will decide the said application particularly taking notice of the aforesaid judgment of the Hon'ble Apex Court. Needless to emphasize that as per the requirement of the aforesaid judgment of the Hon'ble Apex Court, the order passed by the disciplinary authority must be a reasoned and speaking order. The disciplinary authority



(respondent no. 2) after giving an opportunity of hearing to the petitioner will dispose of the application of the petitioner for revocation of suspension within a further period of 15 days, in accordance with law.

9. With the aforesaid observation and direction, the present writ application is disposed of. All pending Interlocutory Applications, if any will be deemed to have been disposed of.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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