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Lalbabu Paswan Vs State Of Bihar

Civil Writ Jurisdiction Case No. 8138 Of 2022

Court: Patna High Court

Date of Decision: April 28, 2023

Acts Referred:
Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 â€" Rule 9(1), 9(2)#Prevention of Corruption Act, 1988 â€" Section 7(a)

Hon'ble Judges: Rajeev Ranjan Prasad, J

Bench: Single Bench

Advocate: Rajib Ranjan Jha, Prem Ranjan Raj

Final Decision: Disposed Of

Judgement

1. Learned counsel for the petitioner has filed hard copy of the writ application. It is submitted that by filing of the hard copy, the defects stand

removed.

2. Heard learned counsel for the petitioner and the State.

Brief facts of the case

3. This writ application has been filed seeking quashing of the order as contained in Memo No. 438 dated 10.02.2021 passed by respondent no. 2

whereby and whereunder the petitioner has been put under suspension with effect from 20.10.2020 in view of Clause 9(2) of the Bihar Government

Servants (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as Ã¢â‚¬Å“the Service RulesÃ¢â‚¬). The petitioner also prays for quashing

of the initiation of departmental proceeding against him and revocation of his order of suspension as also reinstatement.

Submissions on behalf of the petitioner

4. Learned counsel for the petitioner submits that at this stage, he is only praying for considering the revocation of his suspension and completion of

the disciplinary proceeding within a time frame. It is his submission that the petitioner has been placed under suspension as back as on 20.10.2020. He

was taken into judicial custody in connection with Vigilance Case No. 20 of 2020 instituted under Section 7(a) of the Prevention of Corruption Act,

1988 registered on 20.10.2020.

5. It is submitted that a chargesheet Ã¢â‚¬Å“izi= dÃ¢â‚¬ has been served upon the petitioner vide Memo No. 438 dated 10.02.2021 but thereafter the

proceeding has not been taken to a logical end. The petitioner has filed a representation before respondent no. 2 stating that he has been released from

custody and has submitted his joining in the office of S.D.O., Pupri on 06.08.2021. In fact, after his joining, the petitioner was again placed under

suspension with effect from 20.10.2020 in connection with the case referred above.

Submissions on behalf of the State

6. Learned counsel for the State submits that from the statements made in the writ application itself, it is clear that the petitioner was arrested in

connection with the Vigilance Case and after his arrest, he went under deemed suspension but on release, he joined. Thereafter, he has been placed

under suspension in terms of sub-rule (1) of Rule 9 of the Service Rules. Learned counsel submits that the petitioner has been placed under

suspension during pendency of the disciplinary proceeding.

Consideration

7. Having heard learned counsel for the petitioner and the State as also on perusal of the records, this Court finds that vide Memo no. 5085 dated

24.12.2021, the District Magistrate, Sitamarhi has already appointed Inquiry Officer and the Presenting Officer. He has also issued a direction to the

Inquiry Officer to submit inquiry report within a period of three months.

8. This Court finds that the proceeding is pending for over two years for no plausible reason. This Court, therefore, directs the disciplinary authority as

well as the Inquiry Officer to ensure completion of the disciplinary proceeding within a period of six months from the date of receipt/production of a

copy of this order. If the proceeding is not concluded within a period of six months for no reason attributable to the petitioner, the competent authority

shall consider revoking the suspension of the petitioner and shall pass an appropriate order thereon in accordance with the Service Rules.

9. This application stands disposed of.