

(2002) 12 JH CK 0025

Jharkhand High Court

Case No: Writ Petition (S) No. 4829 of 2002

Anil Minz and Another

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision: Dec. 11, 2002

Citation: (2003) 1 JCR 323

Hon'ble Judges: S.J. Mukhopadhyaya, J

Bench: Single Bench

Advocate: Nilesh Kumar, for the Appellant; A. Banerjee, J.C. to G.A., for the Respondent

Judgement

@JUDGMENTTAG-ORDER

S.J. Mukhopadhyaya, J.

The petitioners were suspended by orders both dated 12th July, 2000 issued by the Deputy Commissioner, Gumla they having taken in custody in pursuance of Dumri P.S. Case No. 2/98 from the date they were taken in custody. For the same set of allegation, departmental proceedings were also initiated against them on 23rd November, 2000, vide Annexure-2 and 3. Therefore, the petitioners appeared in the departmental proceedings and the Enquiry Officer submitted report, but no order having passed and as the petitioners are still continuing under suspension, the present writ petition has been preferred.

2. It is stated that after submission of the charge-sheet in G.R. Case No. 2/98, the petitioners moved in Criminal Revision No. 9 of 2001, wherein the learned Sessions Judge, Gurrila stayed the proceedings of the G.R. Case No. 2/98, vide order dated 2nd June, 2001, no charge has been framed against the petitioners.

3. In the meantime, the petitioners claimed to have been exonerated by the Enquiry Officer.

4. In the counter affidavit the respondents while accepted that the Enquiry Officer given a favourable report, taken plea that no final decision has been taken in view of

pendency of the criminal case, but no guidelines brought on record to suggest that departmental proceedings to remain stayed till finalization of criminal case for similar charge.

5. Having regard to the facts and circumstances, the orders of suspension dated 12th July, 2000 in respect to petitioners is revoked with immediate effect.

6. The respondents are directed not to await decision of the criminal case, but to pass final order in the departmental proceeding within a period of two months from the date of receipt/production of a copy of this order.

7. However, this order shall not stand in the way of the respondents to pass appropriate order if one or other petitioner is convicted in the criminal case.

8. The writ petition stands disposed of with the aforesaid observations and directions.