

(2002) 10 JH CK 0023

Jharkhand High Court

Case No: Writ Petition (S) No. 2266 of 2002

Hira Sahu

APPELLANT

Vs

Jharkhand State and Others

RESPONDENT

Date of Decision: Oct. 8, 2002

Acts Referred:

- Constitution of India, 1950 - Article 226

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

Bench: Single Bench

Advocate: M.M. Pal, I, Bhaduri, for the Appellant; V.P. Singh, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

S.J.Mukhopadhyaya, J.

Heard the parties for disposal of the case at this stage. The petitioner having suspended in contemplation of departmental proceeding for certain alleged act of omission and commission found to be *prima facie* correct, I am not inclined to interfere with the order of suspension No. 28 dated 18th February, 2002 passed by the Managing Director, Jharkhand State Agricultural Marketing Board, Ranchi.

2. It is not clear as to why the respondents have not initiated a departmental proceeding by issuing a charge-sheet and the petitioner has not been paid the subsistence allowance though about 8 months passed after the order of suspension. It also appears to be not justified for the respondents to fix the headquarter of petitioner at Jamtara during suspension while Sub-Divisional Officer, Gumla has been appointed as Enquiry Officer vide the aforesaid order of suspension dated 18th February, 2002.

3. Having regard to the facts and circumstances, in the interest of justice the following order is passed :

(a) The paragraph 2 of the order dated 18th February, 2002 fixing petitioner's headquarter during suspension at Jamtara is set aside, it should be fixed at Gumla where the enquiry Officer is posted.

(b) The respondents are directed to issue charge-sheet within two months from the date of receipt/production of a copy of this order, if they choose to proceed departmentally against the petitioner failing which the order of suspension shall stand revoked on completion of two months period.

(c) In case the charge is framed within two months, the respondents should conclude the departmental proceeding within six months thereof. The petitioner should co-operate in the departmental proceeding. Otherwise, the Enquiry Officer-respondents may proceed ex parts, in accordance with law. In such a case if the proceeding is not concluded within six months period as scheduled above, the order of suspensron shall stand revoked and.

(d) The Respondents will pay the petitioner current subsistence allowance within 15 days from the date of receipt/production of a copy of this order and the arrears of subsistence allowance within two months.

4. The petitioner will only give a certificate to the authority whether he is in gainful employment during the suspended period or not.

5. The petitioner will produce a copy of this order before the Managing Director and Secretary of the Marketing Board as also before the Sub-Divisional Officer, Gumla who is the Enquiry Officer.

6. The writ petition stands disposed of with aforesaid observations and directions. Writ petition disposed of.