

(2008) 07 PAT CK 0175**Patna High Court****Case No:** LPA No. 516 of 2008

Mukesh Kumar Agrawal

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision: July 11, 2008**Citation:** (2009) 1 PLJR 257**Hon'ble Judges:** R.M. Lodha, C.J; Barin Ghosh, J**Bench:** Division Bench**Advocate:** Sandeep Kumar Shahi, for the Appellant; Manikant Mishra, for the Respondent**Final Decision:** Dismissed**Judgement**

1. We heard the counsel for the parties. The appeal suffers from delay of 59 days. For condonation thereof, I.A. No. 3979 of 2008 has been made. Even if we condone the delay for the reasons set out in the application, we are satisfied that the Letters Patent Appeal has no merit and does not deserve to be admitted.

2. Two facts are not disputed, namely (i) that an order of suspension was passed against the appellant on 16.10.2007, and (ii) that charge-sheet has been framed on 29.2.2008. It is true that charge-sheet has not been framed within 90 days, but, at the same time, the aforesaid date would show that it has been framed within the extended period permissible under Rule 9 of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005.

3. In this backdrop of facts, the order of the Division Bench in the case of Chandra Shekhar Prasad vs. The State of Bihar & Ors. (LPA No. 37 of 2008) is not applicable.

4. Letters Patent Appeal has no merit. It is dismissed in limine. This disposes of I.A. No. 3979 of 2008.