
(2005) 04 GAU CK 0071
In the Gauhati High Court
Case No : Writ Petition (C) No. 9201 of 2004

Ajay Kumar Pathak

APPELLANT

Vs

State of Assam and Others

RESPONDENT

Date of Decision : 26-04-2005

Acts Referred:

Constitution of India, 1950 — Article 226
Penal Code, 1860 (IPC) — Section 304, 34

Citation : (2006) 4 GLT 681

Hon'ble Judges : Amitava Roy, J

Bench : Single Bench

Advocate : A.K. Bhattacharjee, M. Das, L. Devi and S.S. Dey, for the Appellant;
I. Choudhury, for the Respondent

Final Decision : Dismissed

Judgement

Amitava Roy, J.—The notification dated 5.6.2004 placing the Petitioner under suspension and the continuance thereof is under challenge in the instant proceeding.

2. I have heard Mr. A.K. Bhattacharjee, Sr. Advocate for the Petitioner and Mr. I. Choudhury, learned Standing Counsel, Public Works Department, Government of Assam (hereinafter referred to as the Department) for the official Respondents.

3. A summarized version of the pleaded facts would sufficiently provide the factual background. The Petitioner on being selected by the Assam Public Service Commission was appointed as an Assistant Engineer under the Department, in the year 1973 and on 7.5.99 was promoted to the post of Executive Engineer. By notification dated 26.2.2004, his selection along with other equally placed incumbents in service for promotion to the rank of Superintendent Engineer, P.W.D. (Civil) was approved. In the meantime, he had been posted as the Executive Engineer (Roads) in the Rural Infrastructure Development Fund-II Division where he joined on 13.5.2002. As the Executive Engineer of the department, the Petitioner was put in charge of various development projects

being implemented under the RIDF scheme, one of the same being the work of construction of RCC Bridge No. 1/1 at Pandu Ghat.

4. On 4.6.2004, the Petitioner was engaged in a meeting with the Secretary of the Department at Dispur in connection with official works pertaining to estimates for improvement of Kamakhya Temple. There after he had been to the office of the Chief Engineer (Roads) in connection with the project of the Railway Over-bridge at Athgaon. It was at about 2.30 P.M. on that day that he was informed about a serious accident that had occurred at the construction site of the RCC Bridge No. 1/1 at Pandu Ghat. According to the Petitioner, he instantly rushed to the site and was amongst the first Government Officials to inform the Jalukbari Police Station about the same. By communication dated 5.6.2004, impugned in the instant proceeding, he was placed under suspension pending drawal of departmental proceedings against him. The order of suspension alleged negligence of duty on his part resulting in the collapse of the bridge at Pandu Ghat and that there was prima facie evidence to proceed against him. His representation and appeal before the appropriate authorities of the government against his suspension having failed to evoke any response, the Petitioner approached this Court.

5. The pleaded contention of the Petitioner is that there is no material against him to justify his suspension. Without, however, denying his responsibility as the Executive Engineer, in the execution and management of the works in his division, he has asserted that he was not informed about the proposed work of RCC deck slab of the bridge involved and that no verbal or written permission was obtained from him by the Contractor though the same was essential in terms of the procedure prescribed under the Ministry of Road Transport and Highways specifications for Road and Bridge works. He has maintained that on his enquiry after the incident, it transpired that the contractor had started casting of the deck slab and that too without the knowledge or permission from the concerned authority including the Assistant Engineer (Roads) who was in charge of direct supervision of the constructions. He also complained of denial of subsistence allowance at the time of filing of the petition, which subsequently was released, according to him on 21.12.2004.

6. The Respondents in their counter while supporting the impugned action have questioned the maintainability of the proceeding amongst others on the ground of want of bonafide of the Petitioner. Suppression and withholding of material facts having a vital bearing on the issue have been alleged. According to them, on 4.6.2004, at about 2.45 p.m. while the concreting work of the RCC deck slab of Bridge No. 1/1 on Pandu Ghat Temple Road was in progress, the bridge collapsed and two labourers died with severe injuries to many others. Jalukbari P.S. Case No. 227/04 under Sections 304/34 IPC was registered on an FIR lodged by one Smt. Ramila Bibi whose husband was killed in the incident. The police case led to the arrest of the Assistant Executive Engineer and the Assistant Engineer of the concerned division on 5.6.2004. On the very same date, the Secretary of the

Department conducted a spot enquiry and was prima facie of the view that the precautions necessary for the concrete work of the bridge and the technical reinforcement required were not ensured for which the Petitioner and the concerned Assistant Executive Engineer and the Assistant Engineer were responsible. The Petitioner being at the relevant time, the Executive Engineer responsible for the execution and management of the works in his division, he was placed under suspension pending drawal of departmental proceeding in view of prima facie evidence against him.

7. The pleaded stand of the answering Respondents is that by the suspension notification, the Chief Engineer, P.W.D. (Roads), was directed to conduct a preliminary enquiry into the incident as well as to prepare draft charges etc. for the departmental proceeding. Accordingly on 9.6.2004, the Chief Engineer, P.W.D. (Roads) submitted a report to the Commissioner and Special Secretary to the Government of Assam, P.W.D., indicating that the contractor as well as the departmental officers were responsible for the accident. The Chief Engineer, P.W.D. (Roads) also on 28.6.2004 submitted the draft charges, statement of allegations of misconduct, list of documents etc. in respect of the Petitioner and others. While the matter rested at that, the departmental authorities being informed about of a Magisterial Enquiry into the accident, it was decided to obtain the status report of such enquiry as well as the police investigation before proceeding with the departmental enquiry. Accordingly on 24.1.2005, separate requests were made in writing to the Deputy Commissioner (Metro) and the Superintendent of Police (City), Guwahati, for informations to the above effect. Decision to release subsistence allowance to the Petitioner as per the prescribed rates was conveyed by the letter dated 13.12.2004. In the meantime, the Petitioner apprehending arrest in connection with the police case also obtained anticipatory bail from this Court in BA No. 1428/04. The stand taken is that the charges, statement of allegations, list of documents etc., though prepared could not be served as the report from the Deputy Commissioner (Metro) and superintendent of Police (City), Guwahati, were awaited.

8. The learned Sr. Counsel for the Petitioner has assertively urged that there being no material, what so ever, against the Petitioner, even suggesting his culpability in the episode, the order of his suspension is per se illegal and lacks bonafide. As per the departmental guidelines in force, for execution of the works of the like nature, the Petitioner was entitled to a notice from the contractor before taking up the same and this not having been done, there was no justification, what so ever, for the Respondent authorities to proceed on the basis that he was prima facie responsible for the accident. Mr. Bhattacharjee submitted that as the Petitioner's participation in the meeting at the relevant time of the accident with the higher authorities of the department is not denied, his suspension in the above premises, only flaunts a predetermined mind of the Respondent authorities on extraneous considerations. Mr. Bhattacharjee was particularly critical about the undue delay in the matter following the Petitioner's suspension. According to him, in terms of the departmental guidelines, contained

in Clause 2.1.8 of the Office Memorandum No. ABP. 284/79/1 dated 5.9.79 (as amended) laying down inter alia the principles and procedures pertaining to suspension of a Government Officer such a course should be resorted to only in case a major punishment is likely to be imposed and that charges and statement of allegations should be served within six months from the date of suspension failing which the Government servant should be reinstated. He contended that under Clause (iii) of Clause 2.1.8, the authority concerned is obliged to move the Personal Department for extension of time in case it is not reasonably practicable to prepare the charges for service within the period of six months prescribed. This not having been done in the instant case, Mr. Bhattacharjee maintained that the Petitioner on this ground alone is entitled to be reinstated. The learned Sr. Counsel argued that the Petitioner having been selected for promotion to the next higher post, his continued suspension has marred all his service prospects. As the Petitioner is due to retire very shortly, having regard to the prevailing facts and circumstances, it is a fit case for interference with the order of suspension, he urged. Mr. Bhattacharjee rested his submissions on a decision of this Court in Bipul Sharma v. The Bipul Sarma Vs. State of Assam and Others,

9. The learned Standing Counsel for the Department per contra argued that the Petitioner not having approached this Court with clean hands, he is not entitled to any equitable consideration. He maintained that the Petitioner had consciously withheld from this Court facts relating to the Magisterial Enquiry into the accident, supersession of the office memorandum dated 5.7.1979 by the office memorandum dated 11.2.1982 enhancing the outer limit of suspension and the order of payment of subsistence allowance to him, and therefore, the petition is liable to be dismissed in limine. Referring to Rule 80, 82 and 326 of the Assam P.W.D. Manual, Mr. Choudhury emphasized that the Petitioner as the Executive Engineer was directly responsible for the execution of the works under him in his division. He contended that the sequence of events following the accident on 4.6.2004 would clearly reveal that the departmental authorities had acted with due promptitude in the matter and, therefore, the plea of undue delay is misconceived. Considering the gravity of situation, Mr. Choudhury contended, the departmental authorities before finalising the charges decided to wait for the reports in the departmental and magisterial enquiries and that, therefore, any interference with the order of suspension on the ground of delay in the above premises is unwarranted. The concerned authorities having decided to approach the issue with care and circumspection, having regard to the ramifications of any decision thereon, a marginal delay did not vitiate the order of suspension, he submitted. Mr. Choudhury further argued that a mere departure from the departmental guidelines pertaining to suspension did not ipso facto impair the Petitioner's suspension with a vitiating illegality. The learned Standing Counsel arguendo, apprised this Court that the memorandum of charges initiating the departmental proceeding against the Petitioner had in the meantime been issued on 23.3.2005. He relied on the following decisions in support of his submissions. D.D. Suri Vs. A.K. Barren and Others, , Welcom Hotel and Others Vs. State of

Andhra Pradesh and Others, , The Chancellor and Another Vs. Dr Bijayananda Kar and Others, , State of Orissa Vs. Bimal Kumar Mohanty, , Union of India (UOI) Vs. Rajiv Kumar, , Secretary to Government and another Vs. K. Munniappan, MT Varghese v. State of Assam and Ors. 1997 (2) GLT 318 Anju Rani Baisya v. State of Assam and Ors. (2003) 3 GLT 522 Mr. Choudhury has also placed the contemporaneous official records for the perusal of the Court.

10. In reply, Mr. Bhattacharjee while denying the allegation of suppression or withholding of facts contended that the issuance of the memorandum of charges at this belated stage did not in any view of the matter, cure the illegality consequent upon the delay. The Government having evolved a set of guidelines prescribing the time frame for the different stages of a departmental proceeding, no departure therefrom, even minimal, is permissible and, therefore, in terms of Clause 2.1.8 thereof, the Petitioner is entitled to be reinstated.

11. I have extended my thoughtful consideration to the rival contentions. The plea pertaining to suppression and/or withholding of material facts may be dealt with first. The present being a writ proceeding, the parties are supposed to bring on records, facts and particulars indispensably necessary for a fair and complete adjudication of the issues involved. The writ Petitioner's obligation is more onerous as he sets the adjudicative exercise in motion by filing the writ petition. As this Court while invoking its powers under Article 226 of the Constitution of India essentially exercises an equitable jurisdiction hence the emphasis is on the Petitioner's bonafide. It is in this context that any suppression of facts and particulars, having a bearing on the controversy, have been consistently viewed with strong disfavour by the Courts. This, however, should not be construed to convey that failure or omission to state any and every fact should visit the defaulting party with the same consequence. Suppression ought to be deliberate and pertaining to primacy and/or basic facts within the knowledge and information of the party concerned with the intention to mislead and/or misdirect the Court. The facts omitted ought to have a decisive bearing on the decision making process in absence of which fair, final and complete resolution of the controversy is not possible. Failure to provide fuller factual particulars beyond the bare essentials or omission to narrate facts pleadable in defence by the other party per se would not amount to willful suppression or withholding of material facts to attract the adverse consequence of relief being denied. The factual setting of a case, the issue raised for adjudication and the bearing of the omitted or withheld facts thereon would generally be determinative of the response of the Court to such plea.

12. The decisions of the Apex Court in *Welcome Hotel and Ors.* (supra), and the *Chancellor and Ors.* (supra), reiterated the dictum that one who seeks equity must do equity, and should approach the Court with clean hands without suppressing essential facts. This Court in *M.T. Varghese*, (supra), ruled that a candid disclosure of facts is a sine qua non for exercise of the extra-ordinary jurisdiction of this Court under Article 226 of the Constitution of India and that

one who suppresses material facts is not entitled to be heard and his petition is liable to be dismissed on this ground alone.

13. Objection in the instant case has been taken on behalf of the Respondents contending that there has been suppression of facts pertaining to pending magisterial enquiry and police investigation into the episode. Moreover, the fact that the office memorandum dated 5.7.1979 had been superseded by the office memorandum dated 11.2.1982 and that the payment of the Petitioner's subsistence allowance had been ordered on 13.12.2004 prior to the filing of the writ petition had been withheld. While impeaching the order of suspension and the continuance thereof, the Petitioner in the writ petition had stated about the background in short leading to the impugned decision. He has admitted that as the Executive Engineer, RIDF II Division, he was in charge inter alia of the project involving construction of RCC Bridge No. 1/1 at Pandu Ghat. The facts relating to the accident, information thereof to the police, his claimed ignorance of the item of work, being the proximate cause of the disaster have been stated in the petition. From his stand in the reply affidavit, his contention appears to be that he was not aware of the order of the subsistence allowance passed on 13.12.2004 as well as of the suppression of the office memorandum dated 5.7.1999 by the office memorandum dated 11.2.1982.

14. Having regard to the frame and character of the writ petition and the relief prayed for therein, I am not inclined to hold that there has been any deliberate or intentional suppression of material facts having the potential of misleading this Court in adjudicating the issues involved. The Respondents have introduced the facts pertaining to the pendency of the magisterial enquiry and police investigation in an endeavour to explain the delay in initiating the departmental proceeding against the Petitioner. Considering the stand taken by the Petitioner vis-a-vis the order of subsistence allowance and the amendment to the notification dated 5.7.1979 as well, the plea with regard to suppression of material facts does not merit acceptance.

15. The Petitioner's contention qua the justifiability of his suspension now needs attention. His admission that as Executive Engineer, RIDF II Division, he was in charge of various developmental projects being implemented under the RIDF schemes including the work of construction of RCC Bridge No. 1/1 at Pandu Ghat is on record. His defence is that he was neither made aware of the proposed casting of the RCC deck slab on the bridge nor any permission verbal or written was obtained from him by the contractor to proceed herewith as required under the Ministry of Road Transport and Highways specifications for Road and Bridge Project works. As the Executive Engineer, he is admittedly in charge of supervision of all works being executed in the division.

16. I have perused the reports submitted by the Chief Engineer. P.W.D. (Roads), Assam, and the findings of the magisterial enquiry into the accident, which are available in the official records produced before this Court. In the face of the said reports, the plea that there exists no material justifying his suspension is not

entertainable at this stage. Further dilation on this aspect of the controversy for obvious reasons would be inexpedient and uncalled for, more particularly when, as is submitted at the bar that in the meantime, on 23.3.2005, a memorandum of charges against the Petitioner has already been issued. The observations of this Court, in the order dated 22.6.2004 passed in Bail Application No. 1428/2004, granting pre-arrest bail to the Petitioner were in a different proceeding and cannot be finally determinative of the role and responsibility/ complicity of the Petitioner to be enquired into in a departmental proceeding.

17. The fundamental principles pertaining to suspension of an employee have been authoritatively laid down by the Apex Court in *State of Orissa v. Bimal Kumar Mohanty*, (supra). The relevant excerpts of the reported decision are profitably extracted hereunder:

It is thus settled law that normally when an appointed authority or the disciplinary authority seeks to suspend an employee, pending enquiry or contemplated enquiry or pending investigation into grave charges of misconduct or defalcation of funds or serious acts of omission and commission, the order of suspension would be passed after taking into consideration the gravity of the misconduct sought to be enquired into or investigated and the nature of the evidence placed before the appointing authority and on application of the mind by disciplinary authority. Appointing authority or disciplinary authority should consider the above aspects and decide whether it is expedient to keep an employee under suspension pending aforesaid action. It would not be as an administrative routine or an automatic order to suspend an employee. It should be on consideration of the gravity of the alleged misconduct or the nature of the allegations imputed to the delinquent employee.

....

In other words, it is to refrain him to avail further opportunity to perpetrate the alleged misconduct or to remove the impression among the members of service that dereliction of duty would pay fruits and the offending employee could get away even pending enquiry without any impediment or to prevent an opportunity to the delinquent officer to scuttle the enquiry or investigation or to win over the witnesses or the delinquent having had the opportunity in office to impede the progress of the investigation or enquiry etc. But as stated earlier, each case must be considered depending on the nature of the allegations, gravity of the situation and the indelible impact it creates on the service for the continuance of the delinquent employee in service pending enquiry or contemplated enquiry or investigation.

The authority also should keep in mind public interest of the impact of the delinquent's continuance in office while facing departmental enquiry or trial of a criminal charge....

18. This Court in *Bipul Sarma*, (supra), held that there must be reasons to justify an order of suspension and such an order cannot be continued for long without

any attempt to bring it to its logical end. This Court further observed that suspension of an officer without follow up action does not help public interest and such action cannot be regarded as a veil to cover up the misdeed and perpetuate it. In the facts of that case this Court declined to interfere with the order of suspension and instead directed the Respondent authority to initiate and complete the departmental proceeding against the Petitioner within three months else to reinstate him in service.

19. Having regard to the above reports submitted following fact finding enquiries, prima facie suggesting negligence and dereliction of duties of the departmental supervising authorities including the Petitioner as well as the seriousness of the incident demonstrative of the possible omissions on the part of the executing and supervising agency/authorities, I cannot persuade myself to hold that the Petitioner's suspension had been unwarranted. Having regard to the tests laid down by the Apex Court in the State of Orissa v. Bimal Kumar Mohanty, (supra), the decision to suspend the Petitioner pending drawal of the departmental proceedings cannot be denounced as illogical or prompted by any extraneous or malafide consideration. The plea to the above effect is, therefore, unacceptable. This conclusion, however, should by no means, be construed to have any bearing on the merit of the charges brought against the Petitioner and the departmental authority, if the proceeding is insisted upon would take an appropriate decision in connection therewith-being uninfluenced by the above adjudication. To repeat, the above observations of this Court are essentially in the context of the Petitioner's plea of want of any material in support of his suspension and not beyond it in any manner what so ever.

20. Does the delay in the initiation of the departmental proceeding against the Petitioner proprio vigour entitle him to reinstatement in terms of the administrative guidelines on the subject?

21. In D.D. Suri, (supra), the question which fell for consideration of the Apex Court inter alia was whether non-compliance of the executive instructions prescribing the preliminary steps and the mode of enquiry to be taken/made before putting a Government servant under suspension render the same invalid. Though satisfied on facts that the instructions had not been strictly followed, the Apex Court returned a finding that the same did not invalidate or nullify the order of suspension though emphasizing upon the need to follow the instructions as far as possible.

22. In Secretary to the Government and Anr. v. K. Muniappan, (supra), where the Respondent was suspended on a complaint against him of a criminal offence of embezzlement of Government funds, pending investigation into the charge, the Apex Court negated the challenge to the suspension amongst others on the ground of delay, observing that having regard to the nature of the charge and the investigation necessary, failure to complete the investigation expeditiously could not be faulted with.

23. In *Union of India v. Rajiv Kumar*, (supra), the Apex Court while disapproving unnecessary prolongation of suspension held that if plausible reasons exist to continue with suspension, mere delay would not invalidate the same.

24. The judicial dicta that can be culled from the above authorities is that mere breach of administrative instructions, laying down the pre or post suspension procedure ipso facto would not impair the order of suspension and that protraction thereof though avoidable, any delay caused per se would not vitiate the same if reasons for the continuance of the order exists.

25. Clause 2.1.8 of the departmental guidelines, which codify the principles and procedures with regard to suspension, provides that suspension should be resorted to only in cases where a major punishment is likely to be imposed if the charges are proved. The office memorandum dated 5.7.1979 containing the above clause, inter alia, requires that the charges and the statement of allegations should be served within three months from the date of suspension failing which the Government servant is to be reinstated. Sub-clause (iii) of Clause 2.1.8 delineates the procedure in case the charges cannot be prepared within the time fixed but continued suspension of the government servant is considered necessary. By the office memorandum being No. ABP.49/82/PT dated 11.2.82, the concerned authority of the Government while expressing concern over the pendency of disciplinary proceedings against suspended government servants issued instructions thereby for reinstatement of the government servants continuing under suspension for a period of six months in appropriate cases. The instructions contained in the office memorandum dated 11.2.1982 noticeably do not direct automatic reinstatement of the government servants on completion of six months of their suspension. Reinstatement has been directed only following examination of individual cases and if felt appropriate. In a way, it is suggestive of a relaxation of the rigour of Clause 2.1.8 qua reinstatement on default.

26. The executive instructions as above contained in the manual of departmental proceeding are non-statutory guidelines and as held by the Apex Court in *Hiraji Tolaji Bagwan* (since deceased by L.R's) Vs. *Shakuntala*, are generally not enforceable and a departure therefrom is permissible in appropriate exercise of discretion. It was held that such guidelines do not fall in the category of legislation, direct/subordinate or ancillary and have only an advisory role to play and non-adherence to or deviation therefrom is necessarily or implicitly permissible if the circumstances of any particular fact situation warrants the same. The Apex Court was of the view that judicial control takes over only where the deviation either involves arbitrariness or discrimination or is so fundamental as to undermine a basic public purpose, which the guidelines and the statute under which they are framed intend to achieve.

27. Going strictly by the time frame fixed by the office memorandum dated 5.7.1979, there has been a non-compliance thereof by the Respondent authorities. No steps have either been taken as contemplated under Sub-clause

(iii) of Clause 2.1.8. The instruction contained in the office memorandum dated 11.2.1982 in the teeth of Clause 2.1.8 is significant as well. The said clause contemplates reinstatement of a suspended Government servant on the failure of the Respondent authorities to serve the charges and statement of allegations within the time specified. The unequivocal purpose is to expedite the process and arrest any prolongation thereof. Provision has also been made for extension of the period of suspension if continuance thereof is considered necessary in public interest. Apart from the fact that the guidelines involved are non-statutory in nature and, therefore, not enforceable as such, the provision suggesting reinstatement consequent on the mere expiry of the prescribed period of suspension if enforced obdurately without reference to the incriminating materials available and/or in the offing against the concerned government servant, could be in a given fact situation counter productive and may well defeat the very purpose of the order of suspension. Having regard to the underlying objective of the above clause of the departmental guidelines, I am constrained to hold that the same does not vest a suspended government servant with a unassailable right to be reinstated in service, merely on the failure of the departmental authorities to serve the charges and the statement of allegations within the period prescribed, if reasons exist justifying the continuance of suspension. The reinstatement contemplated being on default above irrespective of the merit or gravity of the allegations, any omission to take steps for extension as comprehended in Clause 2.1.8 (iii) would not per se justify reinstatement if continuation of suspension is otherwise genuinely called for. A delicate balance between the individual right of the suspended government servant and demands of administrative exigency and probity in public service has to be maintained. This, however, should not be understood by any chance to convey that thereby the departmental authorities have a free hand to deal with the process at their sweet will and convenience subjecting a suspended government servant to the resultant adverse consequences. The guidelines having been framed to conduct the associated process expeditiously to its logical end, any departure therefrom in absence of cogent, compelling and convincing reasons would not be permissible. If non-compliance of such guidelines without any reason or acceptable justification comes to the fore, the consequential act or omission is liable to be adjudged illegal and the suspended government servant would then be entitled to the reliefs envisioned thereunder. This view accords with the one in essence expressed in Anju Rani Baisya, (supra).

28. Reverting to the case in hand and having regard to the materials on record, the defence against the delay seems to be plausible. According to the Respondent authorities, following the report of the Chief Engineer, P.W.D. (Roads), submitted on 9.6.2004, draft charges were prepared on 28.6.2004 but the finalization thereof was deferred awaiting the report of the magisterial enquiry initiated in the mean time and of the police investigation. The Petitioner was suspended on 5.6.2004 and the memorandum of charges has now been issued on 23.3.2005. This indicates the decision of the concerned authorities to

pursue the departmental proceeding against him and, therefore, according to them, it is not an appropriate case in terms of the office memorandum dated 11.2.1982 to reinstate him in service. In view of the materials on record and the decision taken by the Respondent authorities to proceed with the departmental proceeding against the Petitioner, this Court in exercise of its powers of judicial review does not deem it fit and proper to interfere with the order of suspension merely on the ground of delay. This plea fails as well.

29. It has been submitted at the bar that the Petitioner is scheduled to retire shortly. The records reveal that he had meanwhile been selected for promotion to a higher post. He is at the fag end of the career. Suspension by itself though not a penalty, the overall adverse bearing thereof is clearly perceivable. It is, therefore, the solemn obligation of the Respondent authorities to complete the process as expeditiously as possible. As it is, on date, the Petitioner is under suspension for about 11 months. Though prima facie the stand of the Respondent authorities explaining the delay has been accepted, this Court feels that the departmental proceedings having been initiated, it needs to be completed with utmost expedition.

30. Therefore, while declining to interfere with the order of suspension on the grounds enumerated hereinabove, it is ordered that the departmental proceeding against the Petitioner should be completed within a period of four months from the date of receipt of certified copy of this judgment and order. The Petitioner would submit a copy hereof before the appropriate authorities to do the needful. It is further provided that in case the Respondent authorities fail to complete the proceeding within the time frame fixed, the Petitioner would be entitled to be reinstated in service. The Petitioner would cooperate with the Respondent authorities in acting in terms of the above direction.

In the wake of the above, the petition stands dismissed, however, with the above directions.