
(1998) 04 PAT CK 0071
In the Patna High Court
Case No : C.W.J.C. No. 2068 of 1998

Bhuneshwar Goswami

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 23-04-1998

Acts Referred:

Citation : (1998) 3 PLJR 293

Hon'ble Judges : B.N. Agrawal, J

Bench : Single Bench

Advocate : Lakshmi Kant Sharma and Rama Kant Sharma, for the Appellant;

Judgement

B.N. Agrawal, J.—Heard the parties.

2. Though today the matter was placed for orders, but both the parties agreed that the writ application should be heard on the point of admission and the same be finally disposed of.

3. This writ application has been filed for quashing the Government notification dated 9.2.1996, contained in Annexure-1, whereby the Petitioner has been suspended from service when the departmental proceeding was under contemplation. It is stated that the said order was passed on 9.2.1996 and then after inordinate delay chargesheet was served upon the Petitioner pursuant to which he did file his show cause on 22.11.1996. It is further stated that conducting officer submitted inquiry report dated 16.12.1996 whereby the Petitioner has been exonerated from the charges. Learned Counsel for the Petitioner stated that though a period of 16 months has expired, the State is sitting tight over the inquiry report and no order has been passed thereon.

3. Learned Counsel for the State is not in a position to tell the Court as to why for a period of 16 months no decision has been taken on the inquiry report. This appears to be a malafide action on the part of the State in causing delay in taking decision upon the inquiry report with ulterior motive so that the Petitioner may remain under suspension for years together. It appears to me that this is

not the isolated example in this case, but this is usual feature in this State for reasons best known either to the State Government or its high officials. From these facts, it becomes plain that in the interest of justice it would be just and expedient not to allow the order of suspension to continue further.

4. Accordinally, I direct that the order of suspension of the Petitioner, as contained in Annexure-1 shall not remain operative from tomorrow (24.4.98).

5. I may, however, observe that any observation in this order shall not in any manner prejudice the case of either party while passing final order upon inquiry report.

6. The writ application is accordingly disposed of.