

(1999) 02 PAT CK 0010
In the Patna High Court
Case No : C.W.J.C. No. 1477 of 1998

Rajiv Ranjan Choudhary

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 03-02-1999

Acts Referred:

Citation : (1999) 1 PLJR 802

Hon'ble Judges : B.M. Lal, C.J; Shashank Kr. Singh, J

Bench : Division Bench

Advocate : Sanjeev Kumar Mishra, for the Appellant; S.J. Rahman and V.B. Ambastha, for the Respondent

Judgement

1. Normally in the cases of suspension, no interference by writ Court is called for, say, in exceptional case where despite suspension order no departmental enquiry is conducted by the department concerned or even subsistence allowance is not paid. In such cases malafide may be inferred and the writ court will not lag behind for quashing such orders.
2. In the instant case, the Petitioner has been put under suspension by order dated 21.1.1998 but till date neither the departmental proceeding has been initiated against him nor the subsistence allowance is being paid to him.
3. A counter affidavit has also been filed on behalf of the Respondents but no explanation has been furnished for such inordinate delay and not paying the subsistence allowance.
4. Thus, this Court has no option but to quash the suspension order dated 21.1.1998 contained in annexure 1 to this writ petition. It is accordingly quashed.
5. However, it is made clear that departmental enquiry against the Petitioner shall continue in accordance with law.
6. This petition is thus disposed of.