
(2011) 07 JH CK 0223

In the Jharkhand High Court

Case No : Writ Petition (S) No. 2525 of 2011

Ram Bahadur Singh

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 22-07-2011

Acts Referred:

Citation : (2011) 07 JH CK 0223

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

Narendra Nath Tiwari, J.—In this writ petition, the Petitioner has prayed for quashing the order of suspension, contained in Memo No. 801 dated 10th August, 2010.

2. The main ground for assailing the order of suspension is that the Petitioner has been put under suspension by order dated 10th August, 2010 with retrospective effect from 14th July, 2010.

3. It has been submitted that an employee cannot be put under suspension with retrospective effect and that the said part of the said order is wholly illegal and arbitrary.

4. A counter affidavit has been filed on behalf of the Respondents, justifying the suspension order. It has been stated that a departmental proceeding has been initiated against the Petitioner and the same is in progress. It has been further stated that there is no illegality in the suspension order.

5. I have heard learned Counsel for the parties and perused the materials on record. From Annexure-1, it is evident that the order of suspension has been passed on 10th August, 2010, which speaks about the Petitioner's suspension with retrospective effect from 14th July, 2010.

6. in view of the above, I find substance in the submission of learned Counsel for the Petitioner that the order of suspension with retrospective effect is wholly

without jurisdiction and it is held that the part of the order which speaks about the Petitioner's suspension with retrospective effect from 14th July, 2010 to 9th August, 2010 is illegal and inoperative and that the order of suspension shall come into effect from the date it was issued i.e. from 10th August, 2010.

7. Since the charge sheet has already been issued and departmental proceeding has been initiated, the Respondents shall see that the departmental proceeding is concluded within a reasonable period.

8. Accordingly, this writ petition is disposed of with the above observations and directions.

9. It is made clear that the Petitioner is entitled to get salary for the period before 9th August, 2010, if there is no other legal impediment.