
(2006) 08 JH CK 0008
In the Jharkhand High Court

Ruplal Manjhi

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 22-08-2006

Acts Referred:

Citation : (2007) 3 JCR 96

Hon'ble Judges : Permod Kohli, J

Bench : Single Bench

Judgement

Permod Kohli, J.—Petitioner was serving as District Sub-Registrar, Ranchi. On the basis of certain allegations he was placed under suspension vide memo No. 1247 dated 11.6.2003. Thereafter, disciplinary proceedings have been initiated against him. The inquiry officer came to be appointed vide memo No. 1499 dated 22.9.2003. Mr. Pradeep Kumar, Deputy Commissioner, Ranchi was appointed as Inquiry Officer, Inquiry Officer was asked to complete the Inquiry within 15 days and submit his report. The inquiry was not completed within time specified in the aforesaid memo. Thereafter, Deputy Secretary (Registration Department) vide his communication dated 4.8.2004 asked the inquiry officer to complete the inquiry within one month. No inquiry was completed within the aforesaid period. Petitioner approached this Court in WPS No. 3435 of 2003 challenging his suspension. This petition was disposed of vide order dated 31.7.2003 and the Court declined to interfere with the order of suspension and LPA preferred being LPA No. 489 of 2003 also came to be dismissed and SLP preferred also resulted in dismissal. Petitioner again approached this Court in WPS No. 894 of 2004. This writ petition was also disposed of vide order dated 19.2.2004 whereby following direction has been issued:

This Court therefore direct the respondents to conclude the depart mental proceeding, if any, within a period of four months from the date of receipt of copy of this order. Respondents are further directed to pay the subsistence allowance since the date of suspension and also the current subsistence allowance in accordance with law.

2. Even after the aforesaid directions passed by this Court, respondents have not completed the inquiry. However, during pendency of this petition, suspension of the petitioner has been revoked vide memo No. 428 dated 4.8.2004. In the said order it has been directed that the question of payment of salary will be considered after the disposal of the departmental proceedings. In the present petition, petitioner has challenged the departmental proceedings on the ground that pendency of this departmental proceeding for such a long period itself amounts to punishment and is impermissible under law. It is not in dispute that departmental proceedings were initiated in the year 2003 and inquiry officer was asked to complete the inquiry within 15 days thereafter. At the instance of Chief Minister departmental proceeding was directed to be completed within one month. Even this Court in the aforesaid judgment in WPS No. 894 of 2004 directed to complete departmental proceeding within four months vide order dated 19.2.2004 and even this direction has not been complied with. In the counter affidavit filed, no valid reasons have been indicated for non-completion of the departmental proceedings within a period of three months.

3. Be that as it may, it is not considered appropriate to quash the departmental proceeding merely on the ground of delay in completion of departmental proceeding. However, keeping in view the facts and circumstance mentioned hereinabove and fact that departmental proceeding have not been concluded despite a categorical mandate by this Court dated 19.2.2004, this petition is disposed of with a direction to the respondents including the inquiry officer to conclude the departmental proceedings within a period of four months from today, failing which the respondents shall not be entitled to continue with the proceedings. Thereafter petitioner shall be entitled to all the consequential benefits as if no departmental proceedings were initiated against him. Needless to say that petitioner shall co-operate with the departmental proceedings.