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**(2002) 01 PAT CK 0137**  
**In the Patna High Court**  
**Case No : C.W.J.C. No. 16440 of 2001**

Satyendra Kumar Singh and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

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**Date of Decision :** 31-01-2002

**Acts Referred:**

**Citation :** (2002) 1 PLJR 614

**Hon'ble Judges :** Narayan Roy, J

**Bench :** Single Bench

**Final Decision :** Allowed

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## Judgement

Narayan Roy, J.—Heard Mr. P.K. Shahi, learned Counsel appearing on behalf of the Petitioners, and JC to SC 5 for the State, and considered the counter affidavit filed on behalf of the Respondents.

2. Orders, as contained in annexures 1, 2, 3 and 4, are under challenge, whereby and where under all these four Petitioners have been put under suspension and their headquarters have been fixed at different places.

3. Learned Counsel appearing on behalf of the Petitioners submitted that merely on the basis of buff sheet, issued by the Minister, Food and Civil Supply, Government of Bihar, indicating therein that the Petitioners did not co-operate with him nor they attended the meeting called by the Minister in the circuit house, as several allegations were leveled against them, the Petitioners have been put under suspension. Learned Counsel appearing on behalf of the Petitioners further submitted that it would be evident from the letters written by the Collector of the District to the Commissioner-cum-Secretary of the Department concerned, as contained in annexures 9 and 11, that nothing as alleged had happened on the day Minister concerned had arrived at the circuit house nor any inquiry was held in this regard nor any material was produced against them nor the District Collector had any knowledge about the happenings. Learned Counsel also submitted that even if a buff sheet was issued by the

Minister concerned, a preliminary inquiry could have been held and report could have been submitted and the same could have been called for from the District Magistrate concerned and the Divisional Commissioner the thereafter disciplinary action could have been taken against the Petitioners. Learned Counsel further submitted that the biasness of the Minister concerned is also apparent from the orders impugned, as headquarters of the Petitioners have been fixed at different places and not at Buxar, where certain irregularities are alleged to have been reported against them.

4. A Counter affidavit has been filed on behalf of the Respondents stating therein that on the basis of the buff sheet issued by the Minister concerned, interim orders of suspension have been passed against the Petitioners. The fact that the matter was never enquired into nor any report was called for from the Collector of the District is not denied. The orders of suspension, in this view of the matter, per se appear to be wholly without jurisdiction and tainted with malafide.

5. For the reasons aforesaid, this application is allowed and the orders, as contained in annexures 1, 2, 3 and 4, are set aside. The authorities, however, will be at liberty to enquire into the matter and if any irregularity is found against the Petitioners, they may proceed against in accordance with law.

6. No order as to costs.