

Jharkhand High Court

Arunoday Pandit vs State Of Jharkhand & Ors on 13 July, 2011

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P(S) No. 1675 of 2011

Arunoday Pandit

..... Petitioner

Versus

The State of Jharkhand & Others

..... Respondents

CORAM: HON'BLE MR. JUSTICE NARENDRA NATH TIWARI

For the Petitioner

- Mr. Prashant Pallav

For the Respondents

- Mr. J.C to G.P-IV

2/13.7.2011

In this writ petition, the petitioner has prayed for quashing the order dated 18.8.10 whereby the petitioner was put under suspension. It has been submitted that the petitioner's suspension is bad and illegal as the petitioner was put under suspension on the allegation that the petitioner was absconding in a criminal case instituted against him. The petitioner's suspension is, thus, under Rule 99 of the Bihar Service Code and no order under Rule 100 of the Bihar Service Code has been passed by the concerned authority. In view thereof, the continuation of the petitioner's suspension is illegal.

Counter affidavit has been filed by the respondents stating, inter alia, that the petitioner was put under suspension in view of the pendency of departmental enquiry against him. Charge sheet was issued and the enquiry is in progress. The petitioner was served with second show cause notice and reply has been filed by the petitioner in March 2011. The departmental proceeding is about to be concluded. Learned counsel for the respondents submitted that the petitioner's contention that he was put under suspension under Rule 99 of the Bihar Service Code is wholly baseless.

Considering the said submissions and the facts and materials on record, I find that the petitioner was put under suspension, as a departmental proceeding was initiated against him. The departmental proceeding is still pending. Second show-cause notice was issued to the petitioner and he has filed his reply in March 2011. I, therefore, find no arbitrariness or illegality in the impugned order of suspension.

However, since the petitioner has already submitted his reply to the second show- cause, the respondents shall conclude the departmental enquiry expeditiously.

With the said observations / directions, this writ petition is dismissed.

S.K

(NARENDRA NATH