

WP(C) 3634/2008

BEFORE

THE HON'BLE MR. JUSTICE AMITAVA ROY

Mr. Mazumdar, learned counsel for the petitioner and Mr. Pathak, learned Standing counsel, Education Department, the challenge in the instant proceeding against the order dated 13.08.08 passed by the Commissioner & Secretary, Education (S) Department, Govt. Assam placing the petitioner under suspension in exercise of powers under Rule 6(1) of the Assam Services (Discipline and Trial), Rule 1964 pending conclusion of the Departmental Proceeding against him.

In course of the arguments, the learned Standing counsel, Education Department on instructions informed this court that the Enquiry Officer in the Departmental Proceeding has already been submitted his report and that the matter is pending with the disciplinary authority for an appropriate decision under the Rules.

In this view of the matter, without recording any comment on the merit of the petitioner, challenge to the order of suspension, at this stage, this court is of the opinion that the Respondents ought to be permitted to complete the proceedings as per the Rules without further delay.

As it is submitted at the Bar, that the petitioner is retiring from service with effect from 31.3.09. it is considered essential to outline a time frame for the Disciplinary authority to complete the departmental proceedings.

Considering the deadline posted by the date of retirement of the petitioner, this court considers a period of 2 weeks from the date of submission of this order to be adequate for the purpose. Ordered accordingly.

The petition stands disposed in the above terms.

No cost.