

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2240 of 2015

Dr. Ramanuj Singh son of Sri Kamala Dhari Singh, resident of Village - Sohasa, P.S. - Mehendiya District - Arwal at present Medical Officer (Incharge) Primary Health Centre, Koilwar also in Additional Charge of Primary Health Centre Barhara (Bhojpur)

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Department of Health Govt. of Bihar, Patna.
2. The Secretary, Department of Health Bihar, Patna.
3. The Under Secretary, Department of Health, Bihar, Patna.
4. Special Duty Officer, Dept. of Health, Bihar, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar Verma, Sr. Advocate
Mr. Rajneesh

For the Respondent/s: Mrs. NIVEDITA NIRVIKAR, GA 10

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 20-04-2015

A K Tripathi, J.

Learned senior counsel representing the petitioner urges before this Court that for the allegation brought against the petitioner by the Vigilance Department of accepting bribe, a departmental proceeding has also been initiated as per Annexure-1. He wants stay of the departmental proceeding on the ground that it will be prejudicial to the interest of the petitioner if he is made to disclose his defence both before the Enquiry Officer as well as before Vigilance Court. Learned senior counsel also points out many infirmities with regard to the charges which have been brought against him in the manner in which charges have been drafted etc. etc. in relation to

Annexure-1.

2. In the opinion of this Court, such submissions can always be taken advantage of at an appropriate juncture. It may accrue in favour of the petitioner as well if the Enquiry Officer and the departmental authorities do not conduct the proceeding in accordance with the Bihar C.C.A. Rules, 2005. But the stage for such examination would be frustrating and derailing the proceeding altogether.

3. No doubt, in certain cases, not only this Court but the Hon`ble Apex Court have at times taken a view that the departmental proceeding ought to be stayed awaiting the outcome of criminal trial but there are contrary views as well which enunciates the principle that the net effect of the two proceedings are entirely different. The standards of proof are different and the outcome of the departmental proceeding as well as criminal trial is different.

4. The Court does not disagree that there could be some overlapping evidence with regard to both the proceedings but that by itself cannot be used as a ploy to thwart the departmental proceeding and await the criminal trial which in all probabilities will never conclude, may be in the life time of the petitioner, if the speed of dispensation of criminal justice delivery is an indicator. In other words, if a person is otherwise, prima facie, found to have indulged in serious omission and commission, it will not make any difference

in his continuance as a government servant and the whole object of seeking stay of the departmental proceeding is only to avoid any misfortune befalling a government servant till he superannuates.

5. This Court is not convinced that it is a matter where the departmental proceeding should be stayed. In fact, it will be in the interest of the petitioner to render full assistance in the departmental proceeding and come clean with regard to his so-called omission or commission committed by him, so that at least for the rest of the period of his service he can hold his chest high and tell the world that he is not dishonest as was alleged against him.

6. Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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