

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22523 of 2014

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Ram Pukar Singh, son of late Raghuni Singh, resident of Village Kajpa,
P.S. Amba in the district of Aurangabad.

.... Petitioner/s

Versus

1. The Bihar State Power Holding Company Ltd. through its Chief Managing Director, Vidyut Bhawan, Patna.
2. The Chief Managing Director, Bihar State Power Holding Company Ltd., Vidyut Bhawan, Patna.
3. The South Bihar Power Distribution Company Ltd. through its Managing Director, Vidyut Bhawan, Patna.
4. The Managing Director,, South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Patna.
5. The Secretary, Bihar State Power Holding Company Ltd. Patna.
6. The Electric Superintending Engineer, Electric Supply Circle, Gaya under South Bihar Power Distribution Company Ltd.
7. The Electric Executive Engineer, Electric Supply Division, Aurangabad under South Bihar Power Distribution Company Ltd.
8. The Assistant Electric Engineer, Electric Supply Sub-Division, Navi Nagar, Aurangabad under South Bihar Power Distribution Company Ltd.
9. Mr. Randhir Kumar, son of not known to the petitioner, then Assistant Electric Engineer, Electric Supply Sub-Division, Navi Nagar, Aurangabad under South Bihar Power Distribution Company Ltd.
10. Mr. Rajeev Kumar, son of not known to the petitioner, the Electric Executive Engineer, Electric Supply Division, Danapur, Patna.
11. Mr. Kanhai Chaudhary, son of not known to the petitioner, the Section Officer, Electric Supply Circle, Gaya.
12. Mr. Vijay Kumar, son of not known to the petitioner, the Assistant Personal Officer-cum-Lok Suchana Adhikari, Electric Supply Circle, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Respondent/s : Mr. Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 20-01-2015

Heard learned counsel for the parties.

The prayer of the petitioner in this writ application,
reading as follows:-

*"1(I) To direct the respondents to complete the enquiry
against the Respondent NO.9 for the charge of*

demanding illegal gratification of 20% on the total dues amount of bill Rs. 1,50,000/- against the work done by the petitioner as Franchisee of Niranjapur Feeder under Electric Supply Sub-Division, Navi Nagar from the month of August, 2008 to February, 2011.

- (II) *Also to direct the respondent authorities to take legal action against Respondent No.9 who knowingly and deliberately withheld the bill submitted by the petitioner for a long period due to non-fulfillment of demand of illegal gratification of Respondent No.9.*
- (III) *Also to direct the respondents to make payment of the interest at the rate of 12% per annum over the admitted dues amount of Franchisee bill about Rs. 1,50,000/- for the delayed period as the dues amount was paid to the petitioner on 6.10.2012."*

seems to be wholly ill-advised and misconceived. If someone had demanded illegal gratification from the petitioner, the remedy for him was not by way of seeking enquiry but, to go to the authorities responsible for maintaining purity in administration including CBI or Vigilance. This Court in exercise of its power under Article 226 of the Constitution of India cannot direct the respondent authorities of the Bihar State Power Holding Company Ltd. to hold an enquiry against the respondent no.9, an official.

When such an observation has been made, learned counsel for the petitioner seeks permission to withdraw this application in order to enable the petitioner to move

appropriate/competent authority for initiating action against the respondent no.9.

This Court without making any observation would simply accord leave to the petitioner to withdraw this application which, to say the least, is a frivolous writ application.

(Mihir Kumar Jha, J)

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