

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14663 of 2015

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Uma Shankar Ram S/o Ram Aypdhya Ram Resident of village - Balhi Narhar, P.S. Sahebganj, District - Muzaffarpur At Present Posted and Working as Deputy Secretary, Home (Special) Department, Government of Bihar, Patna

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of General Administration, Government of Bihar, Patna
3. The Addl. Secretary, Department of General Administration, Government of Bihar, Patna
4. The Divisional Commissioner, Tirhut Division, Muzaffarpur - Cum - Enquiry officer
5. The Collector, East Champaran, Motihari
6. The Addl. Collector Department Proceeding East Champaran Cum - Presenting Officer

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Prakritita Sharma

For the Respondent/s : Mr. Aag6- Anjani Kumar

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 15-09-2015 After some argument learned counsel for the petitioner as with regard to the following relief prayed in this writ application:

“1. i. To quash the memo no. 4244 dated 28.2.2014 (Annexure 3) issued under the signature of respondent no.3 without asking for any explanation which was required under relevant for the initiation of departmental enquiry of the charges contained therein.

ii. To quash the Enquiry report (Annexure 5) submitted vide letter no. 841 dated 2.3.2015 by the respondent no.4, the Enquiry Officer holding the petitioner guilty of the charges leveled against him without following the prescribed procedure provided under relevant rule i.e.

Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 and without giving any opportunity to the petitioner to state his defence and thus, in violation of the principle of natural justice.

iii. To command and direct the respondent disciplinary authority from taking any further action against the petitioner on the basis of the inquiry report submitted by respondent no.4 without following any prescribed procedure and without giving any opportunity to file defence statement in utter violation of the principle of natural justice.

iv. To command and direct the respondents to stay the departmental enquiry till the disposal of the criminal prosecution, initiated on the basis of institution of the FIR by Economic Offence Police Station under section 13(2) r/w Sec. 13(1)(e) of the Prevention of Corruption Act 1988 which is still under investigation and both the proceedings are grounded on the same set of facts and charges in criminal case is grave in nature involving complicated question of law and facts.”

does not want to press this application by seeking a liberty to raise all these issues raised in this application at an appropriate stage before the disciplinary authority.

This application is, accordingly, permitted to be withdrawn with the aforementioned liberty.

(Mihir Kumar Jha, J)

surendra/-

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